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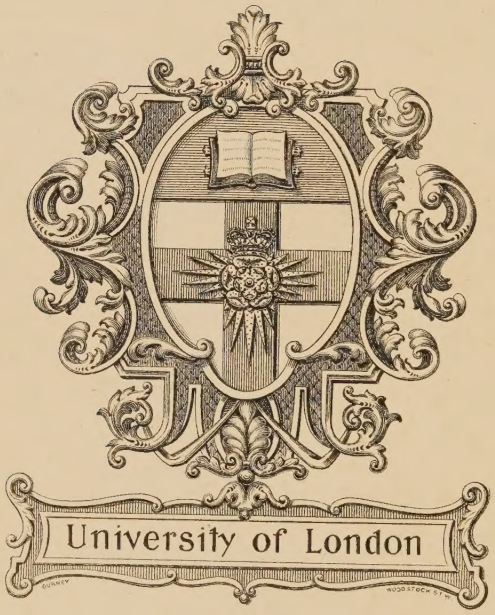

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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

7° VICTORIÆ, 1844.

VOL. LXXIV.

COMPRISING THE PERIOD FROM

THE FIFTEENTH DAY OF APRIL,

TO

THE TWENTY-FOURTH DAY OF MAY, 1844.

Third Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;

LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON; J. RIDGWAY; CALKIN AND BUDD; R. H. EVANS; J. BIGG AND SON; J. BAIN; J. M. RICHARDSON; P. RICHARDSON; ALLEN AND CO.; AND R. BALDWIN.

1844.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FOURTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 1 FEBRUARY, 1844, IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

THIRD VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Monday, April 15, 1844.

MINUTES.] NEW WRITS.—For Huntingdon, *v.* Sir F. Pollock, Chief Baron of the Exchequer. —For Exeter, *v.* Sir W. W. Follett, Attorney General.—For Woodstock, *v.* F. Thesiger, Esq., Solicitor General.

BILLS. *Private.* — *Reported.* — Schuster's Naturalization; New British Iron Company; New Quay Harbour.

3° and passed:—Manchester and Leeds, and Heywood Branch Railway; Furness Railway; Durham County Coal Company.

PETITIONS PRESENTED. By Mr. R. Yorke, from York, for Inquiry into Chancery Compensation. —By Mr. Morrison, from Alloa Steam Boat Company, against Railway Companies running Steam Boats. — By Mr. Macaulay, from Edinburgh, and Mr. Hastie, from Paisley, against Charitable Pawn Societies Bill. — By Mr. Macaulay, from President of Royal College of Surgeons of Edinburgh, for Medical Reform. — By Mr. Hastie, from Paisley, Mr. Duncan, from Lanark, and Mr. Balfour, from Haddington, for Alteration of Prisons (Scotland) Bill.—By Mr. O. Stanley, from Trewalchmai, and Mr. Cartwright, from Haddon, against Union of Sees of St. Asaph and Bangor.—From O. O. Roberts, respecting Bangor Free Grammar School.—By Mr. Rice Trevor, from Llangeler, Newcastle Emlyn, Llansawel, and Llanraidr, in favour of Local Courts.—From Bethnal Green, for Alteration of Poor Law Amendment Bill.—By Mr. Scholefield, from Westbromwich, and 7 places, for Reduction of Tobacco Duty.—By Mr. O. Stanley, from R. Fell, and F. G. Squire, respecting Atmospheric Pressure. —From Haddington, for Increased Remuneration to Schoolmasters (Scotland).

IRISH REGISTRATION BILL.] Mr. *Wyse* said, seeing the right hon. Baronet (Sir Robert Peel) in his place, he would take the liberty of requesting him (in accordance with the notice he had already given him), to consent to a further postponement of the second reading of the Registration Bill (Ireland), which stood for Friday, to that day fortnight. He did not hesitate for a moment in making this request, under the circumstances of the case. The Bill under consideration was one of great, he ought rather to say, of the greatest importance: it dealt with the most vital interests of a country; it affected the Franchises upon which representation and legislation rested, and therefore determined the very essentials of the liberties and constitutional rights of the entire nation. This was not merely a Registration Bill: it took away, it changed; it effected alterations the most sweeping; in many particulars, instead of giving new Franchises, it deprived the country of those it already enjoyed. Such a Bill required the utmost caution, the greatest deliberation, the

widest discussion. It could be satisfactory to no party to hurry such a Bill, especially in the absence of those whom it most concerned, through the House. Now, it was impossible that a large, or even a reasonable attendance of Irish Members could be looked for on Friday next. Many had avocations of the most imperative kind, which would detain them at home, and he would ask the right hon. Baronet if they were not present, how could he hope that any stage of the proceeding could be said to have had that fair consideration to which it had the most unquestionable claim? He did not ask, however, for delay on the ground of attention to the opinions of the Irish representatives only. He looked with still more anxiety to those of their constituents. The constituencies had not been apprized —had not time to be apprized—of the meaning, bearing, results of this measure —a measure on which might depend their life or death as electors and constituencies. They had not time, as he gathered from the Irish papers and from private communications, to make themselves even tolerably acquainted with its provisions, much less to come to any deliberate opinion upon the consequences to which it would lead, or to make those communications which constituencies ought to make on such questions to their representatives. What they did know of the Bill, they gleaned, as well as they could, from the exposition of the noble Lord (Lord Eliot), and the somewhat desultory debate that followed it. How insufficient that was, would at once appear to any one who would take the trouble of comparing that exposition with the Bill itself. The Bill itself was not printed till some days after its introduction. A week had not elapsed since its distribution here. There must be many districts in Ireland which it could scarcely yet have reached. It might be said—indeed it had been said—that a second reading was of little consequence, and that the debate on the merits of the Measure might be taken on going in Committee. This course might not be objectionable in ordinary cases; but where principle and details were equally disliked, it became a question whether any new stage of such a measure should be allowed to proceed without the most deliberate and searching discussion. The ground on which the right hon. Baronet had rested his desire to hasten the Bill through, after the opinions which had since been expressed in Ireland, was no longer tenable. It was idle now to hope he could get it, even with the utmost zeal, and the most strenuous exertion, into operation so early as June. Were the objections trifling, instead of being, as they were, most serious, it would be impossible. He could, therefore, see no possible reason why it should be deferred. It was not the fault of the Irish people or their representatives that the Bill had not been introduced earlier: if inconvenience should now ensue from its delay, they were not to be blamed. Under these circumstances, he should renew his appeal to the right hon. Baronet, with a just confidence that his request, on his own part and that of the other Irish Members, for the further postponement of the second reading, could not with any appearance of reason be refused.

Sir *R. Peel:* I regret that the hon. Gentleman has found it necessary to make this appeal to me. It will be remembered that the first postponement was from this day to Friday; and, in agreeing to that I thought the change would meet with general approval. I regret that this appeal has been made to me on another ground, because there is an indisposition, at this period of the Session, to approach the discussion of public questions, and the consequence is, that at the latter end of June or July the noble Lord (Lord J. Russell) makes the appeal which I, in opposition, used to make for the purpose of learning what those measures were it was intended to press, and what to abandon. Now, this arises not from any fault on the part of the Government, but from an unwillingness at this period to enter upon a prolonged discussion of measures of great importance. I foresee that this Session we shall see the same state of things as heretofore, not for the overwhelming nature of the public business, but because, in April and May, the close of business is reserved for that time when the House is not well attended. These were the grounds which led me to regret that an arrangement should be sought to be set aside which seemed to meet with general approbation. On the other hand, I am bound to say I fully admit the great importance of this Measure being duly considered. The hon. Gentleman says that if brought forward on Friday the Irish Members cannot be instructed

in those details which they ought to be, even on the discussion of the principle of a measure of such magnitude. I am always unwilling to press any measure prematurely; and I must say I feel that anxiety in the case of Ireland, at least as strongly as in that of any other part of the Kingdom. I shall not name the day to which it should be postponed, but on consultation with the hon. Gentleman, I shall fix that which he considers most convenient. The principle on which I gave way to the hon. Gentleman's suggestion is a sufficient proof that I wish the measure to be fully and fairly considered. I trust, however, I shall not be held responsible for the consequences I foresee from such postponements.

Regulations—Manchester Post-Office.] On the question that the Order of the Day for a Committee of Supply be read,

Mr. *Milner Gibson* said, that before the adjournment of the House, he had presented a petition from the Council of the borough of Manchester, complaining of certain Post Office arrangements connected with that borough and district, and praying for redress. He was happy to say, that within the last week some of the grievances complained of had been removed. The south mails had also been accelerated an hour, so that the box for London letters was open till half-past six instead of being closed as before at half-past five; but nearly two hours might have been gained for despatching letters if the mail were sent by the Manchester and Birmingham Railway to Crewe instead of by the Grand Junction. He wished to ask the right hon. Baronet opposite, what objection there could be on the part of the Post Office, to allow the south mails from Manchester to be carried by the Manchester and Birmingham Railway to Crewe, instead of by the Grand Junction. The inhabitants of Manchester could not conceive why the mail to London should be longer on the road than neccessary, which was the result of sending it by the Grand Junction instead of by the Manchester and Birmingham. It appeared that the Post Office at one time, and perhaps, even more than once, had agreed with the Manchester and Birmingham Company to send the London mail by that line, and then had thought proper to depart from their understanding with that Company by proposing fresh conditions. Some of the fresh conditions involving expense and trouble to the Company, had been agreed to by the Company, but when it was required that the Company should take the Macclesfield, Congleton, and other cross-road bags, without any remuneration, they objected, though willing to take them with fair compensation, on the ground that such service was not comprised in the Post Office contract with the Grand Junction. He moved as an amendment that the House will take into consideration the petition from Manchester with regard to the Post Office arrangements in that borough.

Sir *G. Clerk* was happy to hear that the grievances of which the hon. Gentleman complained had been in part redressed in consequence of the acceleration of the Irish mail, and the Manchester and Hull mail. The only grievance that remained was, that Manchester letters were delayed half or three quarters of an hour longer than they would be, if carried direct by the Manchester and Birmingham Railway. The change suggested by the hon. Gentleman might be beneficial to Manchester, but strong representations against it came from such important towns as Macclesfield, Congleton, and others. He could assure the House that there was every disposition on the part of the Post Office authorities to extend the accommodations of the post.

Amendment withdrawn.

Law of Settlement.] Sir *R. Inglis* said, he had on a former day, asked the right hon. Baronet the Secretary for the Home Department, whether it was the intention of Government to bring forward in the present Session, any measure which would settle the question regarding tithe, arising out of the Parochial Assessment. He supposed his right hon. Friend could give him an answer.

Sir *J. Graham* said, the subject to which his hon. Friend referred had been already mooted in the course of the present Session, and he had occasion to recal to the recollection of the House, that at that moment, a very extensive alteration of the Poor Law was under consideration. He had also announced, what he now repeated, that it was his intention to ask permission of the House to introduce a Bill for the alteration of the Law of Set-

tlement. A very able and elaborate Report on the subject of Rating had, since the time of which he was speaking, been presented to the House. It was impossible to over-estimate the magnitude of this subject, or the difficulty of dealing with it. He certainly had given his attention to it, and if the House should wish to deal with the Amendment of the Poor Law, and permit him to introduce an alteration of the Law of Settlement, it would be his duty at some future period, if he should hold the situation he now filled, to propose a measure for that purpose. But he could not hold out any expectation that it would be possible to prepare any such measare during the present Session.

SUPPLY—EXPENSE OF THE HOUSE OF LORDS.] House in Committee of Supply on the Miscellaneous Estimates.

On the Question that a sum of 59,350*l.* be granted for the salaries and expenses of the two Houses of Parliament, and allowances to retired officers.

Mr. *Williams* complained that the money required on account of the House of Lords should be set down in one round sum, while in the Vote required for the House of Commons the items were stated. Out of common respect to that House, the Lords ought to furnish a similar statement of their expenditure.

Sir *G. Clerk* thought the House should not involve itself in a dispute with the other House on a question affecting the the privilege of the Lords merely for the purpose of having the details explained. If the hon. Member would make inquiry, he would find that the business of the other House was as economically conducted as that of the House of Commons.

Mr. *Williams* thought it very suspicious that while such a large amount of fees was received by officers of the House of Lords, the House of Commons should be called upon to pay the sum of 15,000*l.* in addition for their officers.

Mr. *Hume* believed that the officers of the House of Lords received from 15,000*l.* to 20,000*l.* in fees, so that the whole expenditure on their account must be 30,000*l.* If the business of that House were economically conducted, he did not see why they should object to state the items. He wished to know the exact amount of the fees received by their officers. He moved, that the sum named in the Vote be reduced by 15,000*l.*

Mr. *F. T. Baring* deprecated a division upon the subject, as an interference with the privileges of the House of Lords.

The Committee divided on the question that the sum be 44,350*l.*:—Ayes 13; Noes 69: Majority 56.

List of the AYES.

Barnard, E. G.	Scholefield, J.
Bowring, Dr.	Stock, Mr. Serjt.
Duncan, Visct.	Trelawney, J. S.
Duncan, G.	Turner, E.
Forster, M.	Warburton, H.
Pattison, J.	TELLERS.
Plumridge, Capt.	Hume, J.
Ross, D. R.	Williams, W.

List of the NOES.

Adare, Visct.	Hope, hn. C.
Allix, J. P.	Inglis, Sir R. H.
Arbuthnot, hon. H.	Kemble, H.
Arkwright, G.	Knatchbull,rt.hn.SirE.
Baring, rt. hn. F. T.	Knight, H. G.
Barrington, Visct.	Lascelles, hn. W. S.
Bateson, T.	Lennox, Lord A.
Bellew, R. M.	Lockhart, W.
Beresford, Major	Long, W.
Bernal, R.	Lygon, hon. Gen.
Blackstone, W. S.	Mackinnon, W. A.
Boldero, H. G.	Maclean D.
Bruce, Lord E.	Mc.Taggart, Sir J.
Buck, L. W.	Masterman, J.
Buller, Sir J. Y.	Maule, rt. hn. F.
Chute W. L. W.	Mildmay, H. St. J.
Clerk, Sir G.	Newdegate, C. N.
Colebrook, Sir T. E.	Northland, Visct.
Collett, W. R.	O'Brien, A. S.
Cripps, W.	Peel, rt. hn. Sir R.
Dodd, G.	Peel, J.
Douglas, Sir C. E.	Richards, R.
Ebrington, Visct.	Rutherford, A.
Eliot, Lord	Sibthorp, Col.
Escott, B.	Somerset, Lord G.
Estcourt, T. G. B.	Stanley, Lord
Flower, Sir J.	Stewart, P. M.
Gladstone,rt.hn.W.E.	Sutton, hn. H. M.
Gordon, hn. Capt.	Tennent, hn. J. E.
Gore, M.	Vane, Lord H.
Goulbourn, rt. hn. H.	Wall, C. B.
Graham, rt. hn. Sir J.	Wyndham, Col. C.
Harcourt, G. G.	Young, J.
Hardinge, rt.hn.Sir H.	TELLERS.
Hawes, B.	Fremantle, Sir T. E.
Hinde, J. H.	Pringle, A.

Original question agreed to.

Several other votes were agreed to.

SUPPLY.—POOR LAW COMMISSION.] On the question that a sum of 53,000*l.* be granted for the Poor-Law Commissioners in England and Ireland.

Colonel *Sibthorp* said he could not for a

moment consent to allow a vote of this nature, and of so large an amount, to pass without making some observation upon it. Originally there were three Principal Commissioners, and twenty-one Assistant-Commissioners; that number had since been reduced to eleven, and subsequently to nine. What those Commissioners and their Assistants were about,—what good they had done, or what good they were doing, it was, in his opinion, very difficult to say. They interfered with the guardians, who, no doubt, were quite capable of managing their own affairs; and it was his opinion, and the opinion of many others both in and out of the House, that the guardians would go on much better, that the poor under them would be much better provided for and much better satisfied, if they were let alone to manage the affairs of their own parishes, than could possibly be the case, if they were in the hands of three Commissioners at salaries of 2,000*l.* each per annum, sitting at Somerset-house. The amount of money expended upon this Commission already amounted to 389,305*l.*—a most enormous sum, expended to support a Commission established by Her Majesty's late Government, who were so fond of jobbing that whenever they could, they would make one. Their reckless system of jobbing turned them out of office, and he only regretted that hon. Gentlemen on the Ministerial side of the House should tread in any one of the steps in which their predecessors had trodden. He confessed he should like to annihilate altogether the whole of this Poor Law Commission. For the present year, however, he would allow one solitary Chief Commissioner to remain, and would propose that the following reductions should be made in the estimate—viz., the two Chief Commissioners he would dispense with, and strike out their joint salaries, which would amount to 4,000*l.*. Then he would strike away all the Assistant-Commissioners—6,300*l.* more. And though he always regretted to reduce the number of real working clerks' who did all the business, yet he should propose to reduce the Clerks' salaries from 4,926*l.* 5*s.* to 2,553*l.* 15*s.* being a further reduction of 2,372*l.* 10*s.* The total amount which he would propose to deduct, then, from that part of the Vote which had reference to England, or 31,006*l.* 16*s.* 4*d.*, was 12,672*l.* 10*s.* which would reduce that portion of the Vote to 18,334*l.* 6*s.* 4*d.*, and he should move as an Amendment that that reduction should be made.

Sir *J. Graham* hoped his hon. and galland Friend would do justice to the Government with respect to the Vote now under consideration. His hon. and gallant Friend would see from page 2 of this estimate, that in the year 1842, compared with the year 1841, there was a reduction of 5,233*l.*, and in the present year as compared with the former year, there was a reduction of 1,500*l.* This saving had been mainly effected by a reduction in the number of the Commissioners, from thirteen to to nine in England, and in Ireland from eleven to eight. Therefore, since Her Majesty's Government had come into office they had effected a reduction of no less than seven Assistant Commissioners in the administration of the New Poor Law. The appointment of the Commissioners had been brought before the House last year, and full opportunity had been given both with respect to the Commissioners for England and Ireland, for the Legislature to refuse continuing the Commission, and its power in the administration of the Poor Law; and by a large majority, the Legislature had affirmed the principle of the existence of the Commission with this power. If the Commission were to be maintained it was desirable that it should be efficient. He hoped that, since Parliament had declared that the Commission should exist, that the numbers of the Commission would not be reduced so as to render them inefficient.

Mr. *W. Williams* said, the right hon. Baronet had not pointed out that the Commissioners were of any use. The authority of the Commissioners and Assistant-Commissioners had been set at nought by the Boards of Guardians, and in the presence of the Assistant-Commissioners. The Assistant-Commissioners had threatened prosecutions, but had never ventured to prosecute; and why? Because they knew that the regulations which the guardians had set at nought were inhuman, and could not be sustained by any jury, or by any man who had any humanity in his heart. He quite agreed with the hon. and gallant Colonel that those who paid the rates were the best judges of the mode of conducting the expenditure of the rates. If the guardians were oppressors of the poor, he granted that this establishment would be necessary; but these Commissioners had Assistant-Commissioners, so

far as they had power, to grind and oppress the poor by their rules and regulations. He knew one union where the guardians had passed a resolution in defiance of those rules and regulations. They stated that the poor had never been so badly fed as those rules directed, and they never should be. Now that the unions were framed and the law was in operation, he could not conceive what necessity there was for these three Commissioners, and he believed with the hon. and gallant Colonel, that two of them might be spared. He wished to call the attention of the House to the travelling expenses of these Assistant Commissioners. Their travelling expenses amounted to the enormous sum of 870*l.* a year each. He could not conceive how they could spend such a sum. Then they had clerks attending upon them in their missions. What did they want clerks for?—as companions? He hoped the hon. and gallant Officer would take the sense of the House on his Motion for virtually repealing the Bill, by dividing on his Motion.

Captain *Pechell* thought it would be very inconsistent in the hon. and gallant Colonel not to divide the House. He had entered into a convention with the right hon. Baronet, that these 50,000*l.* worth of Commissioners should not interfere with the administration of the Poor Laws in any town governed by Local Acts. These were the terms in which the truce between them had been entered into. He should be glad to rest on this convention. When it was proposed to him to reduce this Vote by 18,000*l.*, it became his duty to consider the nature of the redress it would afford. He believed that many of the objections against the New Poor Law were againt the the mode in which it was administered; it was this which gave the greatest dissatisfaction, and this would not be the case if these Commissioners did their duty faithfully to the public. He had had to complain of an Assistant Poor Law Commissioner travelling about in Sussex and smuggling himself into a work house, under Gilbert's Act, without any proper courtesy. He knew that he could enter the house by merely rapping at the door, but that was not the way to give satisfaction, but to create distrust and suspicion. Now that the Poor Law was established, he did not think it could be necessary to support this immense establishment, particularly as they did not intend to interfere with the Gilbert unions, or with the town having local Acts. He complained of the mode of dealing with soldiers' and sailors' pensions, by the Poor Law Commissioners. The guardians were warranted by law in taking the pensions of those poor people who entered the workhouse; but it had happened that guardians had withheld the pensions of poor soldiers and sailors for six months even after they had left the workhouse. They stated that they had a right to charge the pensioner for the amount of relief he had had in the workhouse. A poor pensioner, therefore, when he left the workhouse had no pension to fall back upon. It was certainly intended that the pension should be withheld only during the time that he was in the workhouse. He had succeeded in his own union in getting this established, but he wished it to be established in all unions. If the hon. and gallant Member divided the House, he should certainly divide with him; but considering himself under a convention with the right hon. Baronet, he should refrain from making any observations on the Vote. He had kept the flag of truce at the masthead, and did not intend to haul it down on this occasion.

Sir *J. Graham* was anxious to neutralize the opposition of every Gentleman to this measure, and of no one more than the hon. and gallant Member. He did not, however, wish to neutralize his vote by allowing to pass unnoticed any misunderstanding he might have fallen into as to the arrangement come to. He entirely disclaimed that he was ever prepared to deny the right of the Assistant-Poor Law Commissioners to superintend under the Local Acts. That supervision was indispensably necessary. It was true that under the New Bill there were certain Clauses extending the Poor Law Act to certain districts now under the operation of the Local Acts, which were now under consideration and supervision, and which would be laid on the Table of the House before the Bill went into Committee. That was the understanding which existed between them. He must say he thought the hon. Member for Coventry was somewhat wrong in his observation about the Assistant Commissioners—that they were employed for the purpose of grinding and oppressing the poor. He thought the hon. Member would find that one of the principal disagreements as to the administration of the Poor Law in Eng-

land had been with regard to the inadequacy of medical relief. The Local Boards usually wished to obtain medical relief for the poor at the lowest scale without reference to the fact whether or no it were adequate. One of the chief accusations against the Assistant Commissioners was, that they controlled this disposition of the Local Boards to effect savings of the rates at the expense of the poor, by insisting that larger salaries should be given to the medical officers. He gave this only as a specimen of the sort of power exercised by the central authority controlling this disposition of the Local Boards, and exercised for the protection of the poor. This was not a fitting opportunity for discussing this question, and it would be inexpedient to go into it then, but he could not allow an observation like that which had fallen from the hon. Member for Coventry to pass without pointing out conclusive evidence that it was unfounded. If the Commission was to exercise control, it could only exercise it through the Assistant-Commissioners travelling about. If the Assistant-Commissioners were of any use at all they must travel. Consistently with the principle of the Bill recently affirmed by the House, he thought the number of the Commissioners could not be reduced, and he hoped the hon. and gallant Member would not divide the House on a mere matter of detail involving no principle. He was prepared to contend that the staff of the Commissioners as reduced was not too large, and that the expense could not be further reduced.

Colonel *Sibthorp* said he was sorry to find that so few hon. Members on the other side of the House were disposed to support him if he attempted to divide the House. He was also sorry to observe that the great leader of economy had left the House. The right hon. baronet the Secretary of State for the Home Department had told them that there would be another opportunity of bringing the question under discussion. Of that opportunity he would be quite prepared to avail himself, if there existed any probability that his endeavours would be attended with success, but at present he should not put the House to the trouble of dividing. He would tell the hon. Member opposite that if he exerted his powers of speech when that opportunity arrived, he should have his cordial support.—Amendment negatived.

Original Motion agreed to.

Supply—Horse Racing (Ireland.]

On the Motion that 6,464*l.* to defray the salaries of the officers and attendants of the household of the Lord-Lieutenant of Ireland be granted:

Mr. *Williams* objected to several items of this Vote, more especially to the charge of 1,574*l.* 16*s.* 2*d.* for sixteen Queen's plates, to be run for in Ireland. It appeared to him that this was a direct encouragement of gambling and immorality, peculiarly unjustifiable in the present state of the country. He moved to reduce the Vote to the sum of 4,890*l.* 1*s.* 3*d.*

Sir *F. Trench* supported the item, the object of which was, not to encourage gambling, but to improve the breed of horses in Ireland.

Colonel *Sibthorp* said there was no gambling so general and mischievous as that which was encouraged by the promotion of railroads.

The Committee divided on the question that the sum be 4,890*l.* 1*s.* 3*d.*:—Ayes 13; Noes 45: Majority 32.

List of the Ayes.

Aglionby, H. A.	Hume, J.
Brotherton, J.	Humphery, Ald.
Busfeild, W.	Mitchell, T. A.
Christie, W. D.	Pechell, Capt.
Duncan, G.	Thornely, T.
Ewart, W.	Ayes.
Granger, T. C.	Williams, W.
Hindley, C.	Bowring, Dr.

List of the Noes.

Arbuthnot, hon. H.	Hayes, Sir Edmund
Arkwright, G.	Hinde, J. H.
Baring, hon. W. B.	Hope, hon. C.
Baring, rt. hn. F. T.	Jermyn, Earl.
Boldero, H. G.	Knatchbull, rt.hn.Sir E
Borthwick, P.	Mainwaring, T.
Botfield, B.	Marsham, Viscount.
Bruce, Lord E.	Masterman, J.
Clerk, Sir G.	Napier, Sir C.
Coote, Sir C. H.	O'Brien, A. S.
Cripps, W.	O'Ferrall, R. M.
Dick, Q.	Palmer, G.
Egerton, W. T.	Peel, J.
Eliot, Lord	Pringle, A.
Escott, B.	Sibthorp, Colonel.
Forman, T. S.	Stanley, Lord.
Gaskell, J. M.	Sutton, hon. H. M.
Godson, R.	Tancred, H. W.
Gore, W. R. O.	Tennent, J. E.
Goulburn, rt. hon. H.	Trench, Sir F. W.
Graham, rt. hn. Sir J.	Wellesley, Lord C.
Harcourt, G. G.	Tellers.
Hardinge, rt.hn.Sir H.	Freemantle, Sir T.
Hawes, B.	Baring, H.

Original Motion agreed to.

On the question that 39,200*l.* be granted for foreign and other secret Services.

Mr. *Williams* thought that at least the public should know in what proportions this sum was respectively expended by the several Departments of the State.

Sir *James Graham* could not assent to the honourable Gentleman's desire, but this he would state, that since his accession to office, not one farthing had been expended by the Home Office for secret service.

Mr. *O'Ferrall* said it had been rumoured in Ireland that members of the police force had been employed to go among the peasantry to induce them to enter into illegal associations, for the purpose of afterwards informing against them. Was the Government aware of any such practices?

Sir *J. Graham* would most distinctly and unequivocally state that he was not cognizant of the employment of the police in any case for any such nefarious purpose.

Lord *Eliot* said, that on hearing of the rumour referred to, the Lord-Lieutenant of Ireland had instituted the most rigid inquiries into the matter; he could unhesitatingly declare that no such proceedings had taken place with the knowledge or sanction of the Government; and should it appear that any individuals had taken that task upon themselves from the idea of ingratiating themselves with their superiors, all such persons would, upon their offence being discovered, be visited with condign punishment.

Sir *R. Peel* hoped the Committee would not press for a disclosure of particulars in this matter, as there were various reasons which rendered it inexpedient. He would give the Committee his assurance that not a shilling of the whole amount was expended in a way against which any constitutional jealousy could be entertained.

Vote agreed to.

Supply—Imprisonment.] On the question that a sum not exceeding 18,586*l.* for maintaining the prison for juvenile offenders in the Isle of Wight, be granted.

Mr. *W. Williams* complained of the great expense of this establishment. There was at Parkhurst accommodation for 500 prisoners, and the cost of maintaining them, exclusive of the erection of the building, was about 26*l.* each a year, a sum considerably more than a labourer received for the maintenance of himself and his family. The Model Prison at Pentonville was of a still more expensive character, for there the maintenance of 510 prisoners cost 20,604*l.* That was 40*l.* for each prisoner, independent of the expense of maintaining the prison. Again, the salaries of the officers for the care of these 510 criminals, amounted, with their rations, to 7,520*l.* There was also a charge of 150*l.* for cleaning offices, windows, and stairs, and lighting fires, as if prisoners could not light their own fires. And what was the produce of the labour of those prisoners? At Parkhurst the produce of their earnings amounted to nothing at all. At Pentonville, during the last year, the amount of earnings was less than three-halfpence each, and at Parkhurst less than three farthings a-day. The maintenance of these 1,010 criminals amounted to within a few pounds of 40,000*l.* In the United States the system pursued was different. In some of the prisons which he had visited, the earnings of the prisoners not only defrayed all the expenses, but produced a surplus which was applied to the service of the State. It must be a system of jobbing which occasioned such expenses as those to which he had referred. He should not trouble the House now to divide upon the Vote; but he hoped that, having called the attention of the right hon. Gentleman the Secretary of State for the Home Department to this vast expenditure, he would cause a reduction to be made in it. He must observe, however, that the system of secret imprisonment required to be taken into immediate consideration. He was sure it had no good effect upon the morals of the people. The governor of the gaol of Philadelphia had informed him that that system had no better effect than the silent system; on the contrary, that several persons had returned to the prison three, and even four times.

Sir *J. Graham* was bound to avow frankly, that the system of punishment referred to was an expensive system; but, in stating the amount of the expense, the hon. Gentleman had not deducted from the gross amount of the Vote, either for Parkhurst or Pentonville, a portion which was required for the completion of the edifice, or for keeping it in repair. He thought, however, it would be no exaggeration to state, that the maintenance of each prisoner at Parkhurst cost about 24*l.*

and at Pentonville about 30*l.* a year. He was sorry that the Report of the Commissioners had only been laid on the Table that day; he had been desirous that it should be in the hands of Members before they came to that discussion. When that Report was considered by the House and the country, he thought it would be found that a more satisfactory document, whether as regarded its statements, or the authority upon which it rested, had seldom been presented. It was true that the amount of earnings of the prisoners was not large; but the Commissioners had studiously avoided bringing the labour of convicts into competition with free labour. They had not wrought for profit, and the goods were sold at a loss. He thought it his duty to read to the House the short summary drawn up by the Commissioners of the result of the experiment which they had most sedulously watched last year, and which had been carried on under their direct superintendence. He need only state the names of the Commismissioners to ensure respect for their suggestions. The Report was signed by Lord Wharncliffe, the Duke of Richmond, the Earl of Devon, Lord Chichester, Lord John Russell, Mr. Charles Shaw Lefevre, (the Speaker of that House), Sir Benjamin Brodie, Dr. Ferguson, Major Jebb, Mr. Crawford, and Mr. Richard Russell, and stated, that during the first year in which separate confinement had been carried into operation in the new prison, it must be apparent that many practical difficulties would occur, which could only be surmounted by experience; and that, under all the circumstances, they were justified in coming to the conclusion that the system of separate confinement in Pentonville Prison, had been exposed during the first year of its operation to a severe test, but that nothing had occurred to induce them to think that the system could not be safely carried into effect—that they had considered it their duty to institute an investigation of every point of the discipline of the prison, and that they found the present bodily and mental condition of its inmates generally satisfactory—that the rate of mortality was remarkably low, and that there were abundant proofs of the moral and religious improvement of the prisoners, among whom a cheerful spirit prevailed—that the penal character of the imprisonment was not sacrificed to other objects; but that, on reviewing the whole system, they were of opinion, that the adoption of separate confinement, as it was established in Pentonville Prison, promised a salutary change in the treatment of criminals, and was well calculated to deter from the commission of crime. Upon the subject of education and moral improvement, he was happy to be able to state the following particulars in respect to the departments of reading, writing, arithmetic, and religious instruction. Of 525 prisoners admitted, 169 could read well; and 70 could not read at all. At the end of the year, 343 could read well; and there was only one who could not read at all. Out of the same number 63 could write well, and 227 could not write at all. At the end of the year 204 could write well, and 26 could not write at all. In arithmetic, of the same number, 27 were versed in the higher rules, and 363 knew something on the subject. At the end of the year 250 were well acquainted with the highest rules, and only six were not at all conversant on the subject. In the matter of Scriptural knowledge, 63 on their admission had considerable knowledge on the subject, and 187 were not at all informed on it. At the end of the year, 341 were versed in the truths of Scripture, and there was not one who was entirely ignorant on the subject. He would not go further upon this point; but he thought that what he had stated would be most satisfactory to the House. Independently, however, of the moral and mental culture of the prisoners, the advancement of the prisoners in industrial employment was a matter of great importance. As it was a fixed rule that persons sent to this prison, under sentence of transportation, should ultimately be sent out to the Colonies, it became, in some sort, an obligation upon society that they should be provided with the means of earning an honest livelihood by their labour when they got out there. It was thought expedient that they should be taught the rudiments and practice of various handicrafts most in request in the Colonies; as, for instance, those of the carpenter, cooper, wheelwright, weaver, tailor, and basket maker. What he said of the Pentonville prison in this respect, applied also to that at Parkhurst, where, indeed, these instructions being applied to more youthful persons, had taken effect with greater force, and with less risk of failure than at the former. His noble Friend at the head of the Colonial Depart-

ment, and himself, had received some most gratifying accounts from the Colonies of the conduct of youths who had been sent out there as free labourers; and he had every reason to believe that the system pursued at Parkhurst had been most satisfactory in its results. He was sorry that the noble Lord, the Member for London, who had originated the establishment of this institution, was not present. He would only add, that he had, from the moment he had entered upon the office which he so unworthily filled, thought it his duty to do everything he could to promote the success of the important experiment which the noble Lord had entered upon. The noble Lord had frequently visited the institution since, and he had every reason to believe that he had been satisfied with the manner in which it had been conducted. Considering the very strong desire which existed to do away with capital punishments, and to supply others in their stead, he did not think that 40,000*l.* was an extravagant demand to carry out these views; at least he entreated the House not to interrupt an experiment, as yet in its infancy, by refusing this Vote.

Mr. *Williams* said, that although the statement of the right hon. Baronet was satisfactory as far as related to the condition of the prisoners, he did not think it was so as far as the public was concerned. He thought that if the prisoners had so improved in handicrafts, their labour ought to be productive in proportion, and that it ought, in fact, to support them entirely, without any expense to the public.

Mr. *B. Escott* begged to ask the right hon. Baronet whether he was aware that in some prisons in which the new system had been adopted, persons who were kept in prison awaiting their trials, and not under sentence, were subject to solitary confinement; and what he thought in regard to the propriety and legality of such a course of proceeding?

Sir *J. Graham* said, that they were now discussing prisons which were strictly of a penal character in which no person was placed who was not under sentence of seven years' transportation. With respect to the other prisons, to which the hon. Gentleman had referred, all he could say was, that he was not aware that there was anything illegal in placing a person under confinement to await his trial in a separate cell, provided nothing was done to aggravate the severity of the restriction upon his liberty.

Mr. *Aglionby* said that he understood the right hon. Baronet to say that the produce of the prison labour was sold very low in order not unduly to compete with free labour out of doors. He must say, if he was right in this view of what fell from the right hon. Baronet, that the course so pursued was one which would tend to the very contrary result from that which was said to be held in view. It appeared to him obvious, that the higher the rate at which the produce of prison labour was disposed of, the less it would compete with free labour.

Sir *J. Graham* said, the hon. and learned Gentleman was perfectly right. The fact was, he had not quite accurately quoted the passage in the Report, and the impression left by what he said, was consequently the reverse of what he intended. The Report stated, that in order that the regular manufacturers might not be undersold by the produce of the prison labour, the prices were regulated by those of the regular market at the time.

Vote agreed to.

Several other sums having been voted, the House resumed. Committee to sit again.

House adjourned at twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 16, 1844.

MINUTES.] BILLS. *Public.*—1ª. Parish Clerks.

2ª. Forestalling, etc. Offences Abolition.

Private.—1ª. Durham County Coal Company; Furness Railway; Manchester and Leeds Railway (Heywood Branch); Manchester and Birmingham Railway (Macclesfield and Poynton Branch); Eastern Counties Railway; South Eastern and Margate Railway.

2ª. Great Western Railway; Midland Counties Railway Consolidation; Edinburgh Poor Assessment; Marquess of Ailsa's Estate Bill; Malan's Naturalization.

3ª. and passed:—Severn Navigation.

PETITIONS PRESENTED. From John Mourilyan, for Remuneration.—From James Baker, and others, respecting Tower Hamlets Court of Requests.—From Hastings, respecting the Recovery of Small Debts.—From Worcester, and Birmingham, against Union of Sees of St. Asaph and Bangor.—By the Marquess of Normanby, from Raloo, and several places, respecting Presbyterian Marriages (Ireland).—By Lord Denman, from Morpeth, and other places, against Dissenters' Chapels Bill; and by Lord Campbell, from Essex Street (London), Nottingham, and Royston, in favour of the same.—From Staffordshire, and Stourbridge, against Oaths.—From Cupar, respecting Prisons (Scotland) Bill.

STIPENDIARY MAGISTRATES (IRELAND).] Lord *Wharncliffe* laid upon the Table a corrected Return of the Stipendiary Magistrates who have been recently

appointed, in conformity with the Motion made a few days before the Easter Recess by the Marquess of Normanby, at the same time explaining the reason why the name of Mr. Thomas O'Brien had been omitted in the Return which had been previously presented to the House. It appeared, from the noble Lord's statement, that Mr. O'Brien's appointment was not made in sufficient time to be included in the preceding List of Stipendiary Magistrates, which had been laid upon their Lordships' Table. The course of proceeding was, that a Stipendiary Magistrate's appointment was not considered complete until he had gone to the place which was appropriated to him, and in the present instance, Mr. O'Brien, with three other Gentlemen, who had also recently received appointments, was placed in that position; consequently his name, as well as theirs, was omitted.

The Marquess of *Normanby* expressed his satisfaction at the explanation given, but wished to know, whether Mr. O'Brien had not, since his appointment, been sent to Castlebar, instead of the place for which he was originally destined, because if so he (the Marquess of Normanby) should, on a future occasion, bring the subject before the House? Supposing that Mr. O'Brien had been so sent, he went to a place of which he knew but little or nothing, whilst with the place originally named as his destination he was familiarly acquainted.

Lord *Wharncliffe* said, he believed that Mr. O'Brien had been sent to Castlebar.

The Marquess of *Normanby* then said, that he should, on some future occasion, bring the subject under their Lordships' consideration.

House adjourned to Thursday.

HOUSE OF COMMONS,

Tuesday, April 16, 1844.

MINUTES.] BILLS. *Private.*—1°. Salford Improvement (No. 2).

Reported.—Leeds and Bradford Railway.

3°. and passed: — Eastern Counties Railway; South Eastern and Margate Railway; Manchester and Birmingham Railway (Macclesfield and Poynton Branch).

PETITIONS PRESENTED. By Mr. Gibson Craig, from Edinburgh, for Reduction of Duties on Tea. — By Mr. Masterman, and other hon. Members, from Brighton, London, Rochester, and Strood, against Charitable Pawn Societies Bill. — By Viscount Emlyn, from Pembroke, for Alteration of Poor Law Amendment Act. — By Mr. Hodgson Hinde, from Newcastle, and Dr. Bowring, from Blackburn, for Reduction of Tobacco Duty.—By Colonel Powell, from Penrhinpale, and Llanarth, in favour of Local Courts. — By Mr. Rashleigh, from W. Moorman, for Medical Reform. — By Mr. Master, and other hon. Members, from Cirencester, and other places, against Union of Sees of St. Asaph and Bangor. — By Mr. Ewart, from Sanquhar, and Sir J. L. Hay, from Cullen, for Alterations in Prisons (Scotland) Bill. — By Mr. Hume, from Brechin, for Ameliorating Condition of Schoolmasters (Scotland). — By Mr. Hume, from Alfred Moore, complaining of Imprisonment. — From York, complaining of Importation of Confectionary from Halifax (N. S.).—By Mr. Lowther, from York, for Enquiry into Maynooth College. — By Mr. Bellew, from Dundalk, respecting Railroad and Steam Boat Companies. — By Mr. Ross, from Belfast, against further Interference with Labour. — By Mr. H. Hinde, from Newcastle, respecting Rating of Small Tenements. — By Viscount Emlyn, from Pembroke, for Amendment of Tithe Commutation Act.—By Mr. Holland, from Hastings, in favour of County Courts Bill; and by Mr. Watson, from Newry, for Extension of same to Ireland. — By Mr. Bellew, from Erigal Keron, for Repeal of the Union. — By Mr. Hume, from Roundstone, respecting Presbyterian Marriages (Ireland).

QUARTER SESSIONS BILL.] Mr. *Hawes* said a Bill had been introduced on this subject, which the Government did not pledge itself to support, but promised to take into consideration certain alterations which had been introduced in its provisions. He wished to know from the right hon. Secretary for the Home Department whether those alterations accorded with his views.

Sir *J. Graham*: The alterations had been inserted in this Bill at his request. But since that, many representations had been made to him by Recorders, well worthy of consideration. He had doubts as to the expediency of passing such a Measure; for, under the Municipal Act, he found the Secretary of State for the Home Department was entrusted with powers with which it was now proposed to invest other parties. He thought it would conduce more to the public convenience to allow the responsibility to rest where it was.

DISTRIBUTION OF THE IRISH APPOINTMENTS.] Mr. *Wyse*, after reading the following Notice, which he meant to move:—

"Return of the names, offices, places of birth, salaries, and ages of all persons holding offices in the Customs, Excise, and Post Office Departments of the United Kingdom, with the dates of their Appointments, and present location,"

said that when the House considered that the sum expended in the collection of the Revenue, bore no inconsiderable proportion to the Revenue itself, it must be admitted that the appointments to such offices should rest on a fair principle. He was of opinion that many changes might

with advantage be made in the regulations under which offices were distributed. He should like to see official service made as much a profession as the Church or the Bar, the candidates for which should be well tested by previous studies and probations. This principle had been tried by experiment; in the Treasury, the Excise Office, and the War Office examinations had been instituted with the best effect, but the plan had not been carried out to so great an extent as might have been done with advantage. His motive for asking for this Return was the conviction impressed on his mind, in common with that of many others with whom he had conversed, that the Irish nation had not been fairly dealt with in the distribution of patronage. Every situation of the least importance, in the Army, State, and Law of Ireland had been conferred on Englishmen, of high rank and superior talents it might be, but not higher or superior to those of many Irishmen who were equally well calculated for the duties of such places. The Lord Lieutenant, the Lord Chancellor, the Commander-in-Chief of the Forces, the Inspector General of Prisons, the Secretary to the Post Office, the Commissioners of the Public Works, Police, and Poor Laws—the officers of the household, down to the least important among them, were almost all English. If it were the object of good Government to knit more firmly the connection between England and Ireland, and to remove the prejudices existing between the two countries, it could not be considered a matter of indifference that Irishmen should be treated with a partial neglect, unlike that favour which was shown to Englishmen or Scotchmen. The right hon. Gentleman concluded by moving as above.

Sir *R. Peel* should decidedly object to the Returns. He could not infer either from the Motion or the speech of the right hon. Gentlemen what was the precise object he had in view in calling for these returns. The greater part of his speech, indeed, had no immediate connection with the Motion. The hon. Gentleman had referred to the appointments which had taken place to the principal officers of of Government in Ireland, and argued that a due proportion of these had not been conferred on Irishmen. The hon. Gentleman remarked that the Secretary for the Post-office in Ireland was not an Irishman. No, but the Secretary for the Post-office in Scotland was an Irishman. Again, the right hon. Gentleman said the head of the Police was not an Irishman. No; but he had been called upon to appoint two heads of the Police in England, and both the persons selected were Irishmen. He had never thought it necessary to inquire whether they should be Englishmen, Irishmen, or Scotchmen; he had thought that the two men best qualified for the performance of this duty were a distinguished military man and a person of the legal profession, and it so happened that the two persons appointed, one twelve years ago, and one at the present moment, to the head of the Metropolitan Police, were Irishmen. How could any inference be drawn from such a statement as that made by the right hon. Gentleman? Suppose an Englishman or Scotchman should say, we have not had justice done to us in China, where the most distinguished civilian employed in that service, Sir Henry Pottinger, and the General in the command of the forces, Sir Hugh Gough, were Irishmen. Whom did Ministers select for its chief command in India? Sir Hugh Gough was appointed. The principle that was acted upon was that all persons justly entitled to appointments were considered eligible. The return called for by the right hon. Gentleman would throw no light on the point to which his remarks were directed. If the right hon. Gentleman were to ask for the regulations established with respect to the appointments to offices, as concerned the age of the parties, the length of service required, and so on, there was no general Return that could be called for, exemplifying the principle on which they were made, which he (Sir R. Peel) would not give with pleasure. He found that in the Custom-house and water-guard there were 11,000 officers employed; in the Excise, 6,000: in the Post-office, 3,000; and in Revenue, 2,000: making a total of 22,000 persons, the age and name of each of whom it was proposed that the House of Commons should require. Suppose that an Irish officer had been employed in England, and had two or three sons born to him during the period of his stay, who afterwards obtained places, of course the return would show them to have been born in some place in this country, although their parents were Irish, and to all intents and purposes, they themselves were

Irish. If the hon. Gentleman got these returns, who was there in the House that would move the printing of them? If the hon. Gentleman thought that injustice had been done in any particular case, let him specify that case, and call for inquiry; but he must protest against such a Motion as the present. He could not sanction any such principle. He did not believe that when any person was called upon to appoint an individual to a public office any inquiry was ever made as to what was the place of that individual's birth. He did not believe that the cirsumstance of any man's being born in Ireland would create the slightest prejudice against him. They were asked to call upon 22,000 persons to state the localities of their birth—he had shown that such a return would lead to the most erroneous inferences being drawn; but it was not upon that ground that he opposed it. He thought it was not right in the House to sanction the principle upon which this Motion was founded. We were all subjects of the same Sovereign, were all united in the enjoyment of the same rights and privileges, and we ought not to admit any distinctions as to locality of birth. On that ground, he opposed the Motion.

Mr. *F. French* challenged contradiction when he stated that the right hon. Gentleman had mentioned the only instances which were to be found of Irishmen who were at the head of departments — the two officers at the head of the Metropolitan Police, and the Secretary for the Post-office in Scotland. [Sir *R. Peel:* The last appointment to the United States. He did not deny that some Irishmen were appointed to situations of authority, but he still declared that all the higher situations in England and Ireland were filled by English and Scotchmen. Of 80,000*l.* a year paid to official departments in Ireland, 60,000*l.* was paid to Englishmen and Scotchmen. He believed that even greater disproportion prevailed in the appointment of inferior officers, and the Return sought for would show whether he were right or wrong. He did not want the testing 22,000 names; but the right hon. Gentleman could give a Return of the different clerks and officers, which would show whether he was right or wrong. He had been told that there were not three per cent. of Irishmen among them. The right hon. Gentleman said there was no opportunity of making these Returns. The same reply had been made by the Secretary to the Admiralty to him, (Mr. F. French,) when he had moved for a similar return respecting the Navy. He believed such a Return could be made, and that it would show that of the hundred appointments that had been made by Lord Haddington, not one had been given to an Irishman. He thought his right hon. Friend was entitled to the Return, and he regretted the refusal of the Government.

Mr. *Hume* felt reluctantly obliged to oppose the Motion. Everything that tended to keep up the national distinctions between, England, Ireland, and Scotland, was wrong, and on that ground he opposed the Motion. The Return with respect to Naval Officers would lead to most unjust and unfair inferences. It was not the disposition of the Irish to go to sea, and consequently the proportion of Irish Naval Officers was small as compared with Englishmen and Scotchmen. In the Army and the Colonies he believed a fair proportion of Irishmen was to be found. He thought the Motion would be attended with unpleasant and bad results, and he trusted, therefore, that his right hon. Friend would withdraw it.

Sir. *C. Napier* said, that with regard to the Admiralty, he could confirm what the hon. Member stated, that they (the Admiralty) published a list of all the Officers in their service. With regard to the promotion at the Admiralty, the only question asked was, "Has he great interest?" not whether "Is he an Irishman, a Scotchman, or an Englishman?" but he who had the largest amount of interest, had the best chance of promotion, and of obtaining employment.

Mr. *Warburton* thought the Return should be made to show the manner in which, and the patronage under which, appointments were made.

Mr. *V. Stuart* said, that the Motion of his right hon. Friend at least showed that there was a strong feeling that Irishmen did not get that fair share of patronage to which they were entitled. He trusted that in the future distribution of patronage a fair proportion, not only of the higher offices, but of the minor appointments, would fall to Irishmen.

Motion negatived.

THE ANATOMY ACT.] Mr. Alderman *Copeland* moved an

"Address to her Majesty, praying that she

will be graciously pleased to lay before this House, a copy of all Commissions, with the names of the Commissioners appointed to inquire into the working of the Anatomy Act, and also into the official conduct of any Inspector or Inspectors of Schools of Anatomy for England, Scotland, and Wales, with the dates of each Commission, and Reports (if any) of the evidence taken by the said Commissioners."

Sir *J. Graham* said that this was a subject of peculiar delicacy, and perhaps, above all others, most unfit to be discussed in a popular assembly. All his official experience had confirmed his impression that the Act was a well devised measure. He need only recal to the recollection of the House, the state of things previous to the passing of that Act. There was hardly a burial place in the neighbourhood of the metropolis, the sanctity of which was not violated; and to such a sum had the price of a dead human body risen, that life was not safe. All these evils had disappeared. That most revolting trafic connected with the violation of the grave was at an end. The supply, before so inadequate for the wants of anatomical science, was now amply sufficient, and he hoped that discussion on the point would be avoided. He had had a quarterly return made to him, which it was his duty to inspect, and like all his predecessors, he could answer for its accuracy. Some irregularities had from time to time been brought under the notice of the Secretary of State. Commissions of Inquiry had been issued—evidence had been taken—Reports had, in some instances, been made—in others it had been thought better to confine the information to the Secretary of State. If any subject could with advantage be left to the Government, this could. He did not ask for a blind confidence; but he deprecated all noxious agitation of the subject. It was notorious that the evils which this Act of Parliament was passed to remedy had disappeared. The schools of anatomy were sufficiently and regularly supplied; outrages on public decency were avoided; and it was his opinion, that the greatest possible inconvenience would arise from the production of the Reports to which the hon. Gentleman's Motion was directed; and he hoped, therefore, that the House would support him in refusing the hon. Gentleman's Motion.

Mr. *French* said, that when he brought forward a Motion on this subject some years ago, he was met by a statement that it was under the consideration of the Commissioners. If they had maintained the delicacy which the hon. Gentleman wished them to maintain, they would not have procured the retirement of Dr. Somerville. The right hon. Baronet had sometimes selected rather extraordinary phraseology; there was the expression about "Jack Cade legislation," which had been commented upon by the hon. Baronet the Member for Oxford, and now he had applied the term noxious agitation to a Motion brought forward by one of his own supporters.

Sir *J. Graham* said, that the term noxious agitation was not applied to the Motion of his hon. Friend, but to certain petitions which had been presented, emanating from a Mr. Roberts.

Mr. *French* believed that there was not a more ill-used man in the country than Mr. Roberts, who had conferred great benefits upon anatomical science. The right hon. Baronet might smile, but Mr. Roberts had testimonials to the value of his exertions from distinguished quarters—amongst them Sir G. Sinclair, Dr. Somerville, and Mr. M'Murdo, and even the hon. Member for Kendal himself had at one time admitted the value of Mr. Roberts's discovery. Mr. Roberts had done nothing more than that for which the public were much indebted to him—he had brought to light certain shameful and scandalous violations of the Act of Parliament.

Mr. *Warburton* entirely agreed with the right hon. Baronet at the head of the Home Department, that nothing could be more noxious than agitation upon this subject. As one of the Commissioners who had been appointed by the first Commission to investigate Dr. Somerville's conduct, he (Mr. Warburton) stated upon his honour, that in his opinion and that of the Commissioners, Dr. Somerville had conducted himself in a manner highly conducive to the interests of science. He also knew Dr. Somerville had not been permitted to retire with a payment of 100*l.*, but he had been dismissed receiving a sum of 100*l.* He could not know what was the report of the second Commission; but, if he was not very much mistaken, it was a complete and honourable acquittal of Dr. Somerville from all the charges which had been brought against him.

Sir *J. Graham* felt bound, after what had fallen from the hon. Member opposite

(Mr. French), to state that the conduct of Dr. Somerville had been submitted to a second Commission, and that its report was a complete acquittal of Dr. Somerville.

Mr. *P. Borthwick* reminded the right hon. Baronet at the head of the Home Department, that it did not necessarily follow that all agitation on a noxious subject should be noxious agitation. He admitted that this was not a fit subject for popular discussion, but he assured the House that he had not laid Mr. Roberts's petition on the Table until he had carefully purused every statement it contained. If Mr. Roberts had been engaged in noxious agitation, that agitation had been shared in by Sir A. Cooper, Sir B. Brodie, Mr. M'Murdo, Mr. Grainger, Mr. B. Cooper, Mr. E. Stanley, Mr. Partridge, and Mr. Todd. Unless the evils of which the Petition complained were remedied, it would be his duty on a future day to call the attention of the House to the substance of those complaints.

Motion withdrawn.

The National Monuments.] Mr. *Hume* rose to move, pursuant to his notice, the following Resolution:—

"That this House taking into consideration the exemplary conduct of the people during the exhibition of the Cartoons last year, and whenever they have been permitted to public edifices, and their general disposition to improve by the contemplation of Works of Art, approve of the following recommendation of the Select Committee of this House on National Monuments in 1841:—'That your Committee strongly deprecate any course which could create an impression that Churches were at any time to be considered merely in the light of places for the exhibition of Works of Art; but it is their opinion, that as, by increased facilities of admission to the inspection of mere Works of Art, civilisation has been encouraged and public taste improved, so a more free admission to religious edifices, under proper regulation, may be made conducive, not merely to the gratification of curiosity and the acquirement of historical knowledge, but to the growth and progress of religious impressions, by leading the mind of the spectator from the contemplation of the building to a consideration of the views with which, and the purposes for which, it was originally erected, and is still maintained. Your Committee entertain a hope that arrangements may be made by the Cathedral Authorities, to allow the larger portion of Westminster Abbey, and of St. Paul's, and other Cathedrals throughout the country, to be open freely to the public daily; and, especially on Sundays, reconciling such free admission with the due and undisturbed performance of religious services, though it may be required to continue a small reduced fee, or other sufficient restriction, in regard to the Chapels, and smaller or more intricate portions of those edifices. Your Committee think it right to add, that if the greater freedom of admission to those Churches should lead, as it probably must to an increase of the number of officers employed in their superintendence, the additional expense ought to be defrayed from other funds than those belonging to the Cathedrals.'"

The hon. Member said he should now introduce a much more agreeable subject to the House than that which had just been under discussion, and he hoped the House would allow him to state the objects he had in view by the Resolution he was about to submit to its consideration; he wished to make use of those means which the country possessed for the improvement of the minds of the labouring classes, and to create in them impressions which no language could convey; he thought the House would agree that of late years, a great change had come over the national character, and that though some years back it was supposed that the mass—or what was designated as the mob—could not be trusted with access to the Museums or to collections of the Fine Arts, yet experience had shewn they might be admitted to view the most valuable Works of Art without the slightest risk or danger, injury or damage, to those collections. The notion that the English people were only fit to be trusted in particular places—that Museums were only intended for the visits of the rich, and that those collections so calculated to improve the mind, and promote science, should only be open to men of birth and fortune, had wholly gone by, and the result of the last ten years had shown that Englishmen of all classes might safely be permitted entrance. The boon which had already been granted had been acknowledged with the deepest satisfaction by the working classes. He had so frequently expressed his opinions on the matter, that he did not feel it necessary to repeat them. He would only mention one or two authorities to show the importance of the subject to which he wished to call attention. The directors of the British Museum, of the National Gallery, the heads of the Woods and Forests charged with the superintendence of the royal palaces, and many of the possessors of valuable collections, had come forward and granted concessions which had been

the means of affording rational amusement to the labouring classes of the community, and, if any person doubted the improvement in the national character, which has been the consequence, he would refer to a statement he held in his hand from the Commissioners of Police, pointing out the manifest change, and stating that now one single policeman was sufficient where formerly six had been necessary. In answer to a question put to them, as to whether the public might be admitted with safety into Westminster Abbey, they stated their perfect confidence that the indulgence might be granted as to the British Museum, and that good order, and a desire to preserve and protect all that was therein contained, might be depended upon. If the benefits which had been granted to the mass of the community with respect to public places in general had been duly valued, if the character of the people had been thereby changed as it were so that now our public gardens were with safety planted with flowers, and the waters in the parks stocked with valuable birds, he believed that every man must agree, that removing the restrictions on access to works of art would still further change the public character, and tend to produce a higher taste for art, and introduce a pure class of enjoyments. The indulgence which had been given in these respects to those who had formerly been excluded, furnished them a great deal of matter for thought, and prevented the people from spending their time in idleness and dissolute habits. Under these circumstances, he did say, that they were justified in coming forward to ask for the public, free admission to the cathedrals of the kingdom. In his view, these cathedrals had been built for public objects; and, in corroboration of this, he could not do better than read some observations of Mr. Addison, contained in the *Spectator*, No. 415. The hon. Member then read a passage to the effect that—

"We are obliged to devotion for the noblest buildings in the world; that the contemplation of them filled the mind with vast conceptions; and that there was to be seen every thing calling up majestic ideas, and implanting a sense of awfulness and reverence in the mind of the beholder."

These were the statements of Mr. Addison on this subject, and his views were confirmed by the persons who were examined at great length before the Committee. What he was now anxious to effect was, to carry out the wishes of Her Majesty, who, in one month after Her Accession to the Throne, commanded Lord John Russell to use every effort to open the Cathedrals to the whole of Her subjects. Nobody could have urged the case more strongly than the noble Lord, in the letter which he wrote to the Dean and Chapter of Westminster, and also to the Dean and Chapter of St. Paul's, in pursuance of Her Majesty's command. In reply, they stated their anxiety to effect the object; but nothing had been hitherto done. He regretted to say that the public were only able to enter those buildings to see the works of art contained in them when they went with money in their hands; as if they were going to a show with a person with them to point out what was to be seen. He had no wish to interfere with religious duties; he wished to see persons attending the Cathedrals for these purposes alone, and not for the purpose of seeing the place at the time of worship. If any one would go to St. Paul's, he would find nothing but crowding and jostling there, and the accommodation for worship not enough for one-tenth of those who attended. He did not wish to prevent persons attending worship; but what he complained of was, that parties were not admitted to see the building without paying, and, though at Westminster Abbey the price was only 6*d.*, still that was too high. At stated hours, and under proper rules and regulations, the public ought to be admitted. The result would be beneficial for the admission implying a degree of self-control would to that degree operate as an education, and, if the public were admitted at other parts of the day, and not during worship, there would not be seen those scenes of crowding and jostling which were now so common. The public mind was much drawn to the subject. He had lately seen three or four letters addressed to the editors of public papers wishing them to exercise their influence against the present system. He was sorry thas the representations of Lord J. Russell had not been more effectual, but perhaps he was able to use persuasion only. In his (Mr. Hume's) opinion the Cathedrals were public buildings, and the Dean and Chapter for the time being had only a life interest in them; and consequently they ought not to be permitted to destroy the unity of the architecture by the erection of buildings or

monuments at their pleasure. He thought the present mode of erecting monuments was bad; he saw the statues of military and naval men raised in the temple of peace, surrounded by all the emblems of war, and he thought that the Government ought to exercise a control in this matter; and, taking the view of Mr. Addison, in the passage he had read, he thought the Government, if the management of the interiors of the Cathedrals was neglected, ought to see that a due superintendence was maintained; that the fabric should be maintained, that every alteration should be consistent with the architect's original design: and, in fact, he would remove all unsightly erections, looking to the Government to find a proper place to put them in. He wished that the Cathedals might be made the means of softening the manners of humble life. Self control, in his opinion, was more valuable to that class than any other knowledge that could be got, and the more the public were occupied in visiting these public buildings the more probability there would be that they would obtain a perfect control over their characters. He wished next to call attention to the opinions of men of science and character, and of great experience in this country, particularly in connexion with buildings of this class. The opinion of such men had been asked as to the probable result of free admission, and whether it would produce any injury to the buildings. First, the opinion of the Commissioners of Police had been taken at large before the Committee upstairs. Mr. Britton, the author of *Britton's Cathedrals*—than whom there was no man in this country or any other, better acquainted with the subject, because he had passed a long life in collecting the best means of perpetuating the history of these buildings—stated, on being asked what was the result of his observations on the conduct of the public in buildings of this kind, that it was considerably improved—indeed immensely improved; so much so, that if he had been absent from the country for several years, he should not have believed they were the same people: and he added, that the only drawback he knew of on those occasions had been the having charges to pay to the vergers and their servants. Allan Cunningham, the author of *Lives of British Artists*, in his examination, declared that the public had no notion of destroying; that they were very much delighted with works of art; that numbers of men generally seen there were of the class usually called the mob, but that their behaviour did not justify the title, that shoemakers, joiners, and all sorts of artisans were in the habit of visiting these places. He also stated his opinion, that in the presence of a sensible man as an attendant, there could be no danger in admitting the public to Westminster Abbey two or three hours a-day. Edwin Wedlake Brayley, the historian of Westminster Abbey, who might be said to have been for years connected with that Cathedral, stated that he had never observed the least disposition to do mischief when there was the greatest crowd. All three, in their evidence before the Select Committee of the House, were decisive in their opinion, that for the sake of public morals and public refinement, it was expedient that Cathedrals should be thrown open, and that, under proper regulations, it might be done with the utmost safety to the monuments and the buildings. He (Mr. Hume) did not wish to put his claim on any pecuniary ground alone, but he could show that the House of Commons had voted money for the rebuilding of the dormitory and for the building of the Prebends' houses: upwards of 45,200*l.* since 1823 had been voted in this way. Then, for repairing Henry VII.'s Chapel, 42,000*l.* had been given on Petition in the four years 1807, 1809, 1810, 1811. At Westminster Abbey he was bound to say there was a great disposition to meet the wishes of the public; but he had rather the effect he wished should be a voluntary act, than brought about by anything like compulsion. He had received from the Bishop of Wells an answer to his application to this effect—that he was most friendly to the Measure, under due regulations. That answer he (Mr. Hume) thought highly creditable to the Bishop and to those who concurred with him. The Bishop of Winchester stated that orders had been given by the Dean and Chapter that facilities should be allowed for seeing the Cathedral; but he (Mr. Hume) was not aware what had been done. The present Bishop of Norwich, directly he had taken possession of his See, had given directions that the Cathedral should be open to the public, without charge, for one hour every day in the week. In former times the cathedral of Westminster had been much

more accessible than at present, and he had been informed by Lord Melbourne and the late Lord Wrottesley, that when they were boys at school, only one part of Westminster Abbey was closed, and to that part the price of admission was merely 2*d.* or 3*d.* The memory of Jeremy Bentham, who left Westminster School in 1760, went even further back, and was directly confirmatory of the testimony of Lords Melbourne and Wrottesley. The object of his (Mr. Hume's) Motion was to induce the House to adopt the opinion which the Select Committee, over which the Chancellor of the Exchequer had some time since presided, had expressed, and he confidently expected that the present Government would follow up the exertions of the last in carrying into effect the wishes of the Queen. The right hon. Baronet at the head of the Government, had given his uniform support to all attempts to enlighten and improve the people by means of this kind, and as he was an enlightened patron of art, he (Mr. Hume) had no doubt that he would advocate a Motion which had for its object such an improvement of the national taste as would better enable it to understand and relish works of art. He concluded by moving his Resolution.

Mr. *Wyse* seconded the Motion, and expressed his warmest thanks to the hon. Member for Montrose for the singular zeal and perseverance with which now for so many years he had pursued this object. The communication to which the hon. Member had referred from the Dignitaries of the Church in almost every part of the country showed that, so far from being opposed to the Measure before the House, it met with their heartiest concurrence. We cast a most unmerited reproach upon the population of this country if we said that they were unworthy of admission to, or incapable of appreciating, those works of art with which their country was adorned, and which were alike the wonder and the admiration of the world. Whether it was from our communication with other nations, or from the increased attention which had been recently given to the subject, he did not know; but he thought that that feeling of exclusion—that idea of incompetency upon the part of the public to understand what was beautiful and lovely in art—was gradually giving way before a better system of things. Certain it was, that in any part of the Continent, whether you visited Catholic or Protestant countries, it mattered not, the public monuments were liberally thrown open to the public at large. In Catholic countries, more especially in the South of Europe, all the religious edifices were freely opened: people of all creeds had unconditional ingress and egress whensoever they pleased; and it could not be doubted that the feeling of admiration caused by the magnificent architecture around, the beauty of the paintings and the sculpture, or the impressiveness of the music, was the means of imbuing the people with a sense of religion and devotion. The time had now come, when it could not be denied that the people of England were completely worthy to be admitted to our public monuments and works of art. If he wanted an instance, he might refer to the admission to the Cartoons; thousands after thousands entered there at their pleasure, and not a single scratch was made on one of the pictures. Tranquillity, order, and peace marked their presence, and, more than that, improvement was going on; and if such were the case in this instance, why dispute it amongst the cathedrals? He thought it might be laid down as a principle, that it was idle to think of encouraging art unless they encouraged a love of art amongst the people, and upon that principle alone, if on no others, he was of opinion, that unreservedly, and at once, without apprehension, the public should be admitted into the noblest of our cathedrals. What made the people of this country what they were, but the constant recalling to their minds, by the history of past ages, and exhibiting to them in pictures, and by works of art, the glorious deeds of their ancestors which stimulated them on to follow in their footsteps, and to emulate their fame? Let us take a pattern from the French. No sooner had the Revolution passed over than they began to reflect upon the value of that which they had destroyed, and at the period of the Restoration they began to take measures for the preservation of their national works. The French Minister, who now held so high a place in the French Cabinet, and whose many virtues, combined with his genius and judgment, had gained for him the esteem and admiration of all who could appreciate such qualities, had appointed a Commission for the preservation of the public monuments in that

country. He could see no reason why England, with a constitution not dissimilar from that of France, and with a Government like that of France, anxious to watch over the best interests of the people, should not appoint a similar Commission. That was an idea which he should think worthy the consideration of the House, and he was sure that the right hon. Baronet opposite, from the protection which he had on more than one occasion extended to art, and from the encouragement which on every occasion both in and out of that House he had given to every exertion made to further the progress of art in this country, would endeavour to emulate the fame of the illustrious Statesman to whom he had already referred. Upon these grounds, wholly agreeing in what his hon. Friend had said, and anxious to see it carried out to that completeness of which it was capable, he gave the measure his most hearty concurrence and most cordial support.

Sir *R. Inglis* said, the only difference between the debate to-night and upon former occasions, as far as he could perceive, was, that it was now taken in April instead of, as usual, in July or August; for the rest, the speeches and arguments made use of appeared to be precisely the same as those employed upon former occasions. He objected to the Motion of the hon. Member for Montrose upon two grounds: 1st, inasmuch as he proposed to deal with these cathedrals as if they were national property; and 2dly, because he did not admit that such interference would, as the hon. Gentleman contended—promote the intellectual, moral, and religious good of the people. What was meant by calling the cathedrals national property he was at a loss to understand. They were not endowed by the nation, nor was there a single instance, with the exception of St. Paul's, of a cathedral being built by the nation. [Mr. *Hume*: Parliament gave the Property.] Parliament gave the property! The utmost he had ever heard the greatest latitudinarian contend for, was that Parliament transferred the property; but even that he would not admit. He contended that at the period of the Reformation the individual bishops and clergy who previously had possession of these cathedrals transferred them to a purer and a better faith. He could not agree with the hon. Member for Montrose that, if he succeeded in the attempt in which, before, he had so often failed, it would be the means of civilizing, enlightening, and Christianizing the people. Even if he could agree in that proposition, it would still remain a matter for consideration how far in agressing with it, they were not also bound to attend to the vested interests of those who might be affected by it. He could not, however, admit that there was any intimate connection between intellectual and moral goodness; for it had been almost invariably found that in the times of the highest intellectual greatness of a nation, there had likewise existed the greatest masses of corruption; and in individual cases the highest talents were often accompanied by the greatest personal depravity. Looking, therefore, to history and experience, he should say that it was not the surest mode of enlightening the people in Christian doctrine, to make them skilful judges of the merits of a statue or a picture. If he could not agree to this, still less could he agree that it was fitting this House should interfere with that management which the Law and Constitution had confided, in respect of each cathedral, in the Dean and Chapter. The hon. Member for Montrose had stated no case of the abuse of this power; but, on the contrary, had been compelled to admit, whether in consequence of his frequent Motions upon the subject, or from other causes, he did not say, that great facilities at present existed for the admission of the people to Westminster Abbey. Formerly the charge to view the whole of the building was 2*s.* 3*d.*; now it was open for 6*d.* [Mr. *Hume*: that is half-a-day's wages.] Sixpence was no doubt a large sum for many labourers, but still he could not see how it could be reduced, inasmuch as the Resolution of the hon. Member itself implied that some sum was necessary. Here were the words:—"Though it may be required to continue a small reduced fee or other sufficient restriction in regard to the chapels, and smaller or more intricate portions of those edifices." Some payment, therefore, was to be required, and some expence to be incurred, in order to protect these buildings. The consideration, then, remained, whether individuals were to pay for the delight, or whatever it was, which they experienced from visiting these edifices, out of their own funds, or whether it was to be paid out of the general taxation of the country. If it were to be continued at all, he (Sir R. Inglis) must say that he should think it ought to

be paid by those who were immediately interested in the receipt of the advantage. He was not one of those who for a single moment would pay any regard to that portion of the public income which might be expended in paying the cost of a free admission of the people to the public monuments of this country. Neither should he attach the slightest importance to any expenditure which tended to the permanent good of the people. His own objection to the present Motion was that it interfered with the private rights and authorities, without effecting any adequate public good. He could not refrain from noticing the declaration made by the hon. Member for Montrose, that incongruous monuments ought to be removed from the metropolitan cathedrals. It might be all very well for the hon. Member to say that; but when such a declaration was heard, it was a difficult thing to avoid asking by whom were those monuments erected? It was said, fairly enough, that nothing could be more incongruous than monuments existing in St. Paul's which were made up of images of devastation and war — that it was absurd to place such statues in a house of peace. Again, he would ask, by whom were these monuments raised? Surely not by the Dean and Chapter. On the contrary, it was well known that those monuments had been raised by successive votes from that House, proposed by successive Governments. He agreed with the hon. Member that nothing could be more incongruous than to have a Christian church filled with statues of heathen gods and goddesses. He, for his part, regarded such exhibitions with great dislike and aversion. He regretted that they had ever been introduced, and he assented to their removal. He should not be favourable to the removal of any monument that had been placed over any grave —those which stood over the remains of the persons whose fame they were intended to commemorate ought to continue there. But with regard to a considerable portion of the monuments in St. Paul's Cathedral the case was widely different. They did not cover the remains of the parties to whose memory they had been raised. Groups, in which Mars, Bellona, and Neptune held prominent places, might very advantageously be removed without any disrespect to the dead, or any offence to the living. There could be clearly no impropriety in removing those to other places. He might be allowed to instance the monument executed by one of the greatest of British sculptors to the memory of Watt. Surely, there was no one with a particle of religious feeling who would not at once say that that monument might advantageously be removed; there was no one could fail to regret that it had ever been introduced. No man of any faith could help feeling that that monument, and others like it, were misplaced. He therefore was not prepared to deny that it might be expedient to remove many monuments which had been placed in Westminster Abbey and St. Paul's during the last century and a half. The right hon. Member who seconded the present Resolution made a suggestion which, it was to be hoped, his right hon. Friend at the head of the Government would not think unworthy of his consideration: he meant the appointment of a Commission to take charge of the public monuments— and perhaps of something more than the mere public monuments—so far as that could be done without any invasion of the rights of private property. For example, the owner of Stonehenge might do as he thought proper with it,—there was no law to prevent him. A danger of that kind was, however, so remote, that no one need take the trouble of guarding against it; but it would readily be recollected, that not a great many years ago an individual removed the Logan stone, another memorial, perhaps, of the same age; but the Admiralty interposed and compelled him to restore it. He should not perhaps have troubled the House with these observations, if he had not thought it right to state the points on which he agreed with the hon. Member. In conclusion, he hoped that the right hon. Baronet at the head of the Government would not overlook the statements which had that night been made, and that he would not disregard the suggestions which had been thrown out. His right hon. Friend, both in that House and out of it, had exerted his influence for the encouragement of the arts, and in promoting the taste of the people.

Mr. *M. Milnes* would not follow the hon. Baronet into his dissertation on the Logan-stone of Cornwall, or into the theological subject, which, as he thought, had been unnecessarily obtruded upon this occasion; for when he looked at the Resolution proposed he found nothing which had reference to the speech or justified the reproof of his hon. Friend, except the sentence which regarded cathedrals as national property. There was nothing in the Resolution advocating the opinion that the moral and intellectual improvement of the

people was of more importance than religious rites. The proposition only asked the House to confirm by its collective authority what had already been declared by a recent Report of the Committee of the House, and which had received the implied consent of the noble Lord at the head of the late Government, and continued to receive the unwearied support of his right hon. Friend at the head of the present Government. He deemed the reception of any fee at the doors of a place of public worship a gross desecration. When his hon. Friend who had just sat down spoke disparagingly of intellectual improvement, surely he did not mean that the persons who had raised these great works did not intend to excite intellectual emotions. Those buildings were erected for far higher objects than simple worship; and to exclude the people was as far as possible to nullify the intention of the noble founders, and to render buildings, which were the pride of our country, morally and religiously, useless. What was the meaning of allowing such noble buildings to stand unless indirect feelings were to be excited—feelings which those who raised those buildings understood far better than did the present generation, or the hon. Baronet himself? For such a purpose the question of money was not an object. If the Government would say that they would provide a police, and preserve at first the necessary decorum, the people would become habituated to these objects, and would soon become their own police. Knowing the small desecration which took place on the Continent, he could not say that Englishmen were less fit to visit St. Paul's than a Frenchman to view Notre Dame, or an Italian St. Peter's. With reference to the character of the monuments, he believed that the Chapter of St. Paul's had recently come to the decision not to admit any more heathen designs. In this they had gone along with public opinion; but he thought that the removal of national monuments already placed there, was a very different question, and required the most grave consideration on all sides. If they removed the monuments already existing, others might not be raised, and though hon. Gentlemen saw the evils of the present state of things, they must also see many evils on the other side. With every respect to the religious services celebrated in the cathedrals, he did not see any objection to the admission of the public, nevertheless he was not one who was of opinion that Englishmen were alone unfit to enter these edifices.

Sir *Robert Peel* having had frequent opportunities of considering this subject, and of watching the free admission of the working men and artizans of this country, did not see any reason to retract the opinion which he had given upon this subject on former occasions. He thought that every admission to the cathedrals of this country, which could be given consistently with the preservation of the works of art and of the monuments, could have nothing but a beneficial moral effect. The admission to those ancient buildings, which were the proofs of the pious disposition of our ancestors, and of the desire of those who possessed great wealth to do honour to the Creator, was calculated to excite and to produce nothing but good feelings and a good result. His hon. Friend (Sir R. H. Inglis) had said, and said truly, that great refinement and civilization had existed in conjunction with great public profligacy, and he said also that persons of great intellectual acquirement were not always impressed with a deep feeling of religious obligation. All this was very true, but it seemed beside the present question whether the emotions which would probably be excited by the free admission to these buildings were likely to produce a good effect. Supposing his hon. Friend's argument good for anything, it would go much further, and would prove that they ought to check civilization and refinement, because they were connected with much profligacy. He thought that these admissions were calculated to correct mean and vulgar habits, to withdraw from debasing pursuits, and to refine and improve the mind. He would not contend that it would necessarily impress persons with the truths of religion, they must come from other sources; but it could not do other than good—promoting civilization and refinement. If it stopped there, if a religious character must be derived from other sources, if the good was not complete, let them at least derive the most advantage in their power. As far as public and political results went, he thought that, to allow the working classes daily access to those monuments might increase their interest in the maintenance of the public institutions—they would regard with veneration those monuments, and be impressed with those feelings which gave permanence to the Constitution. Therefore, as far as the moral results upon the dispositions of indi-

viduals, and as regarded public, political, and social results, he confessed that he contemplated with great satisfaction the admission of the humblest classes of society to view these monuments. He thought that admission might be granted without incurring the risk which was some times supposed. At present, in Westminster Abbey, great facilities were afforded for the admission of the public during the performance of divine worship, which were not accorded at other times. What was the consequence? Those who went to view the works of art rather impeded than encouraged the growth of religious feelings. Then a certain part of the day was set apart for those who paid a certain amount of money. His strong impression was, that if certain days and certain hours were set apart for the unrestricted right of admission, that right would not be exercised to any inconvenient extent; the public would act on the principle which governed themselves; having an opportunity of seeing most things in this great metropolis whenever they liked, they postponed their visits. He, therefore, thought if the public had the right of admission, it would be taken advantage of by those who felt an interest in the works of art, but at the same time not to such an extent as would interfere with the safe preservation of the monuments. Arrangements too might be made to prevent damage. It was possible that depraved characters might do evil if there were a free admission without corresponding precaution; but the feeling of the great majority would be that they would act as their own police. Nine-tenths of the parties admitted would be among the foremost to wish for some restrictions. But if they looked at the result of free admission to public exhibitions and works of art—to the British Museum, to the National Gallery, and to Hampton Court, he thought the general result of the experiment of free admission to the public showed that there was no very great risk of its abuse. In the course of last year, a person of disordered intellect, without being able to account for his motives, had injured a valuable painting in the National Gallery; but the same thing might have occurred if there had been a charge for admission. The sum charged for viewing Westminster Abbey had been reduced from 2*s.* 3*d.* to 6*d.*, and no ill consequence had followed; and therefore he thought that if a further reduction took place no injury would follow. He saw nothing but good in the admission of the public, if proper regard was had to the reverence of the place, which must excite emotions calculated to civilise and refine the minds and improve the habits of those who were admitted to view it. At the same time, entertaining, as he did, these sentiments very strongly, it was impossible for him to vote for the Resolution of the hon. Member, on grounds entirely apart from the opinions he had expressed. This was a proposition that the House of Commons should concur in the Resolution of a Committee of the House on National Monuments in 1841. Was it intended to found any claim of interference upon this Resolution? The existing law gave the control over these Monuments to certain authorities. They had given the Bishops in some cases, the Dean and Chapter in others, rights which partook of the character of freehold, and had made them the guardians of those public Monuments for public purposes; they had made them responsible for the exercise of a prudent discretion as to the right. If they thought this guardianship thus bestowed wrong, let them attempt to control it, but by law, not by Resolution. Nothing could be more dangerous than for the House to attempt by inadequate means to effect a certain object. He wanted to facilitate and encourage free admission, and with good will. He saw a great disposition on the part of the Deans and Chapters of the Cathedrals to encourage free admission. He believed the present authorities of Westminster Abbey were desirous of giving every admission which they thought consistent with the performance of the duty reposed in them as guardians of the Abbey. They did not wish to set themselves up in opposition to the authority of the House; but if the House, by inadequate means, tried to control, let them not be too sure, that another feeling might not rise up—that this was to be a question of the exercise of right which they were bound to contest. Suppose that feeling arose—suppose the Dean and Chapter saw it would be wise to resist, foreseeing that this might be the foundation of some further claim, and thinking it their duty to resist in the beginning, and acting in furtherance of those particular duties which had been assigned to them, they might disregard the Resolution of the House; and suppose they felt it necessary to resist the vote of the House, this Resolution would have no effect. But even if they wished to proceed by Resolution, the proposition of the hon. Member was

not definite enough. They took the Report of a Committee which sat some years since, and did not say anything indicative of what they wished, but stated merely that they agreed with the Committee. But what had that Committee stated? His hon. Friend, who was such a decided partizan of that Committee, viewed with something approaching to horror the receipt of a fee at the door of a church; and he was absolutely going to concur in a Resolution that it was quite fit to receive a reduced fee in regard to the chapels and smaller or more intricate portions of the edifice—for that was a part of the statement of the Committee. He (Sir R. Peel) always disliked these attempts to solve difficulties by Resolutions; they tried it the other day with duelling. If they could not enforce their Resolutions, they were only lowering their own authority, and depreciating their own jurisdiction, by acting upon a principle of that kind. If they thought it desirable to alter the law, let them bring in a Bill for that purpose. The people of this country knew that by the Constitution they were bound to obey the law, and let not the House of Commons tell them that the Resolutions of that House were to have any similar effect. If they attempted to establish such a principle, by that very spirit of liberty of which they were proud, and which they ought freely to encourage, they would ensure opposition. They had a right to lay down Resolutions with respect to the Government, for they were responsible; but persons who are independent of them, and who held rights by the same force which gave the House of Commons itself the rights it possessed, would be disposed to resist such an encroachment upon the liberties of the people, and, therefore, he said, a mere Resolution indicative of the opinion of the House of Commons was a dangerous course for them to pursue. He repeated, that if they thought the law required amendment, let them amend it; but he begged them not to put on their journals a resolution which admitted of being set at defiance. Concurring in the general proposition of the hon. Gentleman, but believing that the hon. Gentleman's proposition was more likely to defeat the object they had in view, rather than encourage it, he did hope the hon. Gentleman would not press his Motion; at any rate he hoped the House would well consider before it adopted an abstract opinion of this nature, and pause before it acted on that which he thought a dangerous principle, and calculated to lower the authority of that House.

Sir *R. H. Inglis* explained that the hon. Member for Montrose having stated, that the introduction to works of art led to civilization, elevated the character of the people, and almost christianised them, he contended that the experience of history and individuals did not justify that conclusion; but he only contended that admission should not be so general as the hon. Gentleman wished. He thought there should be a charge for admission, although it might be low.

Mr. *Ewart* said, the right hon. Baronet had advocated the principle, but opposed the Motion, but he thought that it was important that the opinion of the House should be expressed by voting upon the resolution. The public should be admitted gratuitously into the public edifices of the country, which in many instances were historical records: for instance, on the monument of Edward the Confessor, in Westminster Abbey, facts were recorded which were not revealed in any other way. The right hon. Baronet had not expressed an opinion upon the beneficial effect which must result from the appointment of a Commission to protect public monuments, which had done so much credit to France. [Sir *R. Peel:* Does the hon. Gentleman expect me at once to propose such a Commission?] He merely said it was an important point which the right hon. Baronet had not noticed: he did not expect him at once to adopt such a course.

Sir *W. James* said, the effect of this restriction on the admission of the public into the Cathedrals was shown in the numbers that had visited the British Museum and the National Gallery, compared with the numbers that had visited St. Paul's and Westminster Abbey. It appeared that 25,000 persons had visited the Museum on Easter Monday, 22,000 persons the National Gallery, whilst only forty-one persons had been admitted into St. Paul's, and between 200 and 300 into Westminster Abbey, on that day. He thought this was a matter greatly to be regretted, and that the clergy mistook their own interests in not making the admission more free than it was, to the sacred edifices, from visiting which the people might derive much moral instruction. The public should be admitted on week days free of expense rather than on Sundays, because unlimited admission then would interfere with devotion and tend to disorder. Hon. Members had said

something about the removal of monuments erected in the reigns of Queen Anne and the Georges, which were supposed to be of rather a heathenish character. He, for one, had no objection to see the emblems of war placed over the tomb of a soldier, for he thought such a person might be a very good Christian.

Mr. *Borthwick* fully concurred in the propriety of the object which the hon. Gentleman had in view in submitting his Motion to the House; but he saw many difficulties connected with it. The chief one was, that the House should not interfere with the rights and privileges of the Church. Already Parliament had tied and bound the Church, and yet blamed it for not acting; already had they gagged the Church, yet they condemned it for not speaking. It was quite true that during the last 100 years many most absurd and incongruous monuments had been introduced into the Cathedrals. In St. Paul's, there was a monument to that mighty Christian moralist whose memory must last as long as there was any virtue left to appreciate his worth—Dr. Johnson—whose labours were constantly directed to the purification of the literature of the day from its tendency to mix up mythological with Christian illustrations; yet his tomb was neither classical nor Christian in its character. Any one would suppose that an overgrown Hercules was placed there, instead of a representation of Dr. Johnson. Could the learned philologist have seen it before his death, his eloquent indignation would have prevented its entrance into the Cathedral. The monuments to naval and military heroes were for the most part justly censurable, being adorned with guns and bayonets and other implements of war, in most violent opposition to the spirit of religion. What was inscribed on the tombs of the heroes of Poictiers and Agincourt? *Non nobis Domine.* But in St. Paul's Cathedral and Westminster Abbey it seemed to be altogether forgotten that there was a God of battles who had directed the valour of the dead warriors, whose monuments were not in harmony with the place, nor the men whose memory they were intended to perpetuate. Our Cathedrals and Churches ought not to be made sculpture galleries for the people to gaze at; if such were the object with the present exhibitions there, their taste was not likely to be improved by the sight. The temples of religion ought to be kept open for the purpose of devotion only; and they ought to be open, not on one day only, but on every day, from sunrise to sunset.

Colonel *Wyndham* said, this debate had begun about half-past six or seven o'clock, and, although they were all agreed upon the principle of the Resolution, it was still continued to that hour. They were all agreed that the people should have the freest access to all the numerous sacred places throughout the land. He was of that opinion. But he did not think the House of Commons had any right to interfere with the privileges of the Church, and, consequently, he must vote against the Motion of the hon. Member for Montrose. The hon. Member for Hull had said, that if free admission to the Cathedrals were permitted all day on Sunday, there would be a great crowd and a great crush. Let any of those hon. Gentlemen who had spoken in favour of the Motion that night only go to St. Paul's or Westminster Abbey, and repeat their orations there, and they might depend upon it, there would be neither crowd nor crush.

Mr. *Hume* thought the doctrines of the hon. Baronet, the Member for Oxford University, not suited to the present times. The whole House had agreed to the principle of the Resolution, with the exception of that hon. Member. Even the hon. Member for West Sussex, who had never, since he had been in Parliament, assented to any proposition of his, had expressed his cordial concurrence in his views upon the present occasion. However, after what had fallen from the right hon. Baronet, who who had also fully supported the principle for which he contended, but who had pointed out some practical difficulties with respect to the formal adoption of the Resolution by the House, he thought he should damage the object he wished to promote if he pressed it to a division.

Motion withdrawn.

Officers who Served in the Peninsular War.] Sir *A. L. Hay* said, that previous to the Easter recess, he had given Notice of a Motion on the subject of a class of men whose claims he considered had been very much neglected by the Government. It was then his intention to confine his Motion to the circumstances in which the officers who had served in the Peninsular War, had been placed, and to have called the attention of the Government to the services which they had performed, and to the claims which they had on the gratitude of their country.

He had no wish to dictate to the Government the line which they should adopt on this subject, but to leave them to act as they thought best, although he did not know whether it was the intention of Her Majesty's Government to agree with him or not, still he anticipated opposition, and, under these circumstances, he found that he should not be able to follow the course which he had originally intended; he had, therefore, determined to call upon the House to address the Crown, praying Her Majesty to be graciously pleased to confer an honorary distinction on the surviving officers of the Peninsular Army. He perhaps might be told that it would not be either proper or respectful to address the Crown, and if he entertained such an opinion he certainly would not have so shaped his Motion. He repeated, that he had no wish to dictate to the Government. But under the circumstances in which the officers of the Peninsular army who had served in those never-to-be-forgotten campaigns had been placed, he conceived that it was his duty, as a Member of that House, to call the attention of Parliament to the services of these men; and humbly, but sincerely, to advocate their claims to some mark of public distinction, and at the same time to leave it to Her Majesty's Government, the House, and the country, to determine on the merits and claims of those gallant officers. He might be told that the time had elapsed when such a Motion should be brought forward, and that so many years had passed away since the termination of the Peninsular War, that it was impossible to recollect the details of what had then taken place, or to ascertain upon whom these distinctions ought to be bestowed. He might also be told that there was one who would advocate this case if he thought that the claims of these parties called for it, and who must feel the deepest interest in the matter; he alluded to that great and illustrious man who commanded throughout these campaigns so honourably to himself and so gloriously for his country. He believed, that as far as the Duke of Wellington was concerned, no blame was attributable to him for not interfering. In the first place he would advert to what had taken place previous to that great man succeeding the Duke of York in 1828, as the Commander-in-Chief of the British Army. He believed that it was an invariable rule on the part of the Duke of Wellington never to ask for rewards or marks of distinction for himself, or for any officer of the British Army serving under him, but he confined himself to recommending officers for promotion, or to have some mark of distinction conferred on them, when he was desired to give such recommendations by the Government at home. It should also be recollected, that at the time the Duke of Wellington assumed the command in chief of the Army, medals and orders of distinction were not so generally distributed as they had been since. Those distinctions had in the British service been sparingly distributed in comparison with the rewards bestowed in the Armies of the other countries in Europe, in many of which it was the custom to bestow medals and other marks of distinction with an unsparing hand. He did not think, therefore, that at that time the Duke of Wellington was called upon to interfere. Again, when an application was made to the Duke of Wellington to interfere and obtain this distinction, in 1840, he had ceased to be Commander-in-Chief, and was at the time in opposition to the Government: he, therefore, declined to interfere, considering himself merely as a private individual. The noble Duke might then have said, that the matter should be left entirely in the hands of the Commander-in-Chief, and also that he did not choose to solicit a boon from a Government to which he was engaged in systematic opposition. That distinguished man was now Commander-in-Chief of the British Army, and a Member of the British Cabinet. If, therefore he could be induced to interfere, no doubt the object would be at once obtained. Whether the opinion entertained by that illustrious man on this subject was favourable to the object of this Motion he could not tell; but, if it was not, he (Sir A. L. Hay) should much regret it. Of this, however, he was sure, that the officers of the Peninsular Army must ever be held in the greatest respect by that great man, and that no one could entertain a stronger opinion than himself, that they deserved well of this country for the services that they had rendered. He was not going to call the attention of the House to all the circumstances of the Peninsular War; but there were circumstances connected with the character of that Army which might have escaped recollection. He, therefore, felt that he was perfectly justified in mentioning some few points in reference to it. He, in the first place, would

advert to the feeling with which the Duke of Wellington regarded this Army at the close of the glorious campaigns in which they had been engaged. That distinguished man, in the address which he issued to the Army on taking leave of it at Bourdeaux, said:—

"Although circumstances may alter the relations in which he has stood towards them for some years, so much to his satisfaction, he assures them he will never cease to feel the warmest interest in their welfare and honour, and that he will be at all times happy to be of any service to those to whose conduct, discipline, and gallantry, their country is so much indebted."

Such were the words of the Duke of Wellington on taking leave of the Peninsular army, and he (Sir A. L. Hay) conceived that those words should always be recollected in connection with the services of that army. For his own part, he conceived that this was a case which was mixed up with the best interests of the country, for he felt that if our soldiers did not receive such marks of distinction, after such services as were performed during the Peninsular war, there would be wanting a proper stimulus for future exertions in the service of the country, and the proper inducement would not exist to induce future armies to engage in such glorious enterprises. He would not compare this case with the medals or rewards bestowed on an army which had fought and gained one great battle, they were deserved; but this was a case in which an army had been engaged in many campaigns, and had repeatedly met the most formidable armies that Europe had hitherto seen, and, after repeated triumphs, at last placed, step by step, a Ducal Coronet on the brow of the greatest soldier this country has ever produced. He therefore trusted that the Government and the House would support him in the proposition which he was about to submit. He knew that many, if not all the officers, who had served through these campaigns felt aggrieved that, while others had received rewards and medals for having been engaged in a single battle, they had been passed over. Was it to be allowed that the officers of the British Army, who had been engaged in constant contests with the enemy for six long years, and who by their gallant deeds had succeeded in destroying one of the greatest dynasties that had ever existed, should be forgotten, and that the history of their deeds should go down to posterity, accompanied by the fact that they received no reward or mark of distinction for their glorious services? He was aware that he might have been told formerly that a Motion to confer honorary distinctions on officers of all ranks in that army would be too extensive; but since, it should be recollected that a mark of distinction had been conferred on all the officers that served in the battle of Waterloo, although many of them had never seen a shot fired previously, or on that day. Where, however, he would ask, would the Duke of Wellington have been at that battle, had not a portion of the infantry of the old Peninsular Army been with him? Previous to that battle, he found that the Duke of Wellington, in a letter to Sir Lowry Cole, said—"I wish I could bring everything together as I had it when I took leave of the Army at Bourdeaux, and I would engage we should not be the last in the race." Again, in another letter written before the battle of Waterloo, he wrote—"I have got an army, very weak and ill-equipped, and a very inexperienced staff." Now, he considered that it was a very remarkable fact that in the despatch giving an account of the battle of Waterloo, the Duke of Wellington mentioned the regiments which distinguished themselves on that occasion, and he particularly noticed the Blues, Life Guards, 1st Dragoon Guards, the division of Guards, the 28th, 42nd, 79th, and 92nd, all Peninsular regiments. He would now proceed to state the opinion of the Duke of Wellington as to the effect of medals and marks of distinction on officers engaged in successful battles with the enemy. In addressing the House of Lords on the Motion for a vote of thanks to Sir C. Napier and the army in Scinde, the noble Duke said,

"It happens to me to know that Sir Charles Napier, on the morning of the second battle, received from the Governor-General his approbation of the conduct of the troops at the battle of Meannee, and the announcement that the rewards for their services would follow, and this was, I believe, a great inducement to the exertions of the troops, which were afterwards crowned with such success."

It was well known that several of the officers who served in some of the regiments in the Peninsular war in a subordinate rank were now in the command of regiments, and yet they bore no mark of distinction for the victories in which they were engaged. The only distinction which had been conferred was, that the regiments engaged in that campaign bore on their

colours the names of the victories which they had concurred in and mainly assisted in achieving. He would proceed to read the names of those officers now in command of regiments who served in the Peninsula, but who had not received medals for their services, because at that time they were not of sufficient rank. It was well known that the Duke of Wellington did not approve of the mode in which the grant of medals and other distinctions were made to officers serving in the Peninsular war, as being too limited in its extent, and not just in the manner of distribution. He did not mean to say that there were not other officers quite as worthy of distinction as those he was about to mention, but he felt that he must confine himself within a limit. He found that the following Peninsular officers were now in the command of regiments:—Colonel Cavendish, 1st Life Guards; Colonel Chatterton, 4th Dragoon Guards; Colonel Jackson, 6th Dragoon Guards; Colonel Sir Joseph Thackwell, 3d Light Dragoons; Colonel Vandeleur, 10th Hussars; Colonel Stawell, 12th Lancers; Colonel Brunton, 13th Light Dragoons; Colonel Townsend, 14th Light Dragoons; Colonel Lovell, 15th Light Dragoons; Colonel Cureton, 16th Lancers; Colonel Persse, 16th Lancers; Colonel Grant, Grenadier Guards; Colonel Walton, Coldstream Guards; Colonel Scott, Fusileer Guards; Colonel Considine, 10th Regiment; Lieutenant-Colonel Squire, 13th Regiment; Colonel Bolton, 31st Regiment; Colonel Boys, 45th Regiment; Colonel Wodehouse, 50th Regiment; Lieutenant-Colonel Elliott, 51st Regiment; Colonel Fane, 54th Regiment; Colonel Logan, 63d Regiment; Colonel Stretton, 64th Regiment. He could also mention Colonel Whinyate's Royal Artillery; Colonel W. G. Power, Royal Artillery; Colonel Dyneley, Royal Artillery; Colonel Cator, Royal Artillery; Lieutenant-Colonel Blachley, Royal Artillery; Colonel Macdonald, Royal Artillery; Lieutenant-Colonel Jones, Royal Engineers; Lieutenant-Colonel Reid, Royal Engineers: Lieutenant-Colonel Wells, Royal Engineers. He might also mention the following distinguished officers, who had served throughout the Peninsular war, who had received no marks of distinction or medals for their services during those years:—Major-General Hon. H. Lygon, who served in the 16th Dragoons, severely wounded; Lieutenant-General Clitherow, Scotch Fusileer Guards; Major-General the Earl of Westmoreland, 56th Regiment; Sir Edward Bowater, Guards; Major-General Reeves, 27th Regiment; Sir Archibald Maclean, 94th Regiment; Sir William Warre, aid-de-camp to Lord Beresford, Major-Gen. Mercer, 3d Guards; Major-Gen. Lambert, Grenadier Guards; Major-General Brotherton, 14th Dragoons; Major-General Sir James Reynett, 52d Regiment; Major-General Browne, Deputy Adjutant-General; Major-General Aitcheson, 3d Guards; Colonel Paty, 94th Regiment; Colonel Shaw Kennedy, 43d Regiment; Colonel Bowles, Guards; Colonel Townsend, 14th Light Dragoons; Colonel Lovell, 15th Hussars; Colonel Edward Mildman, 4th Dragoons; Colonel Scott, Fusileer Guards; Colonel W. Drummond, Guards; Lieutenant-Colonel M'Pherson, 17th Regiment; Colonel Churchill, aid-de-camp to Lord Hill, killed in India: Lieutenant-Colonel Anderson, 50th Regiment. There were the names of many other gallant officers which he could cite, but he did not wish to fatigue the House. He, however, considered the subject as a matter of great importance, and he trusted that the House would bear with him when he proceeded to enter into some further details. He perceived an hon. Member opposite who had arrived at the high rank of Major-general in the Army, and who, on one occasion in the Peninsular war, was all but mortally wounded, and yet that distinguished officer has received no medal. He knew many officers who had served throughout the whole of that War, and who had been most severely wounded, and yet had received no medal or mark of distinction. He would mention two or three cases of highly meritorious officers who had not attained high rank. For instance, Captain Charles O'Neill served with the 83rd from 1809 to the close of the war, was present at Talavera, Busaco, Oporto, Fuentes D'Onor, two sieges of Badajos (at the latter severely wounded), was at Salamanca, Vittoria, the Pyrenees, Nivelle, Orthes, and Toulouse. Again, Captain Humbley, of the Rifle Brigade, was present at Roleia and Vimiera; at the battles of Coruna, Barossa, Salamanca, Vittoria, the Pyrenees, Nive, Nivelle, Orthes, and Toulouse — five times wounded severely. Again, Captain Lister, of the 74th Regiment, was present at Fuentes D'Onor, siege of Badajos in 1811, siege of Ciudad Rodrigo, siege and capture of Badajos in 1812, battles of the Pyrenees and Orthes;

received a contusion from the bursting of a shell on the left thigh, while leading the grenadiers of the 74th in storming the main breach at Ciudad Rodrigo; dangerously wounded in the right arm and through the lungs at Badajos, severely wounded at Orthes, his right arm being broken to pieces near the socket, and from which he nearly bled to death. He could refer to many other instances of a similar nature which occurred during the Peninsular war, where officers who had distinguished themselves had nothing to show for the part that they took in the war but their wounds and infirmities, but he was unwilling to detain the House. He, however, observed that almost all the glory and reputation which had been since acquired by the British army was founded in the services which had been performed during the Peninsular war. The Peninsular army had many difficulties to encounter that were not generally known, but history will record its proceeding from triumph to triumph until every object was obtained. It was well known that at the battle of Waterloo the French troops were not what they had been, for the *morale* of the troops had been much reduced. His right hon. and gallant Friend opposite (Sir H. Hardinge) well knew that in every succeeding battle in the Peninsula, the French army came up with less confidence to contend with our troops. No one could give a better account of this than his right hon. and gallant Friend. To give an idea of the character of that Army, he would advert to a circumstance which occurred at that sanguinary but glorious conflict, at which his right hon. and gallant Friend was present, and the successful result of which he (Sir A. L. Hay) believed was mainly attributable to the conduct of his right hon. and gallant Friend. The historian of the Peninsular war, Colonel Napier, says in his account of the battle of Albuera :—

"1,500 unwounded men, the remnant of 6,000 unconquerable British soldiers, stood triumphant on the fatal hill."

He would now proceed to advert to the services of some officers to whom he had previously alluded, who had distinguished themselves in the Peninsula. Colonel Jackson, of the 6th Dragoon Guards, served in the Peninsula from April, 1809, to the end of the war in 1814; was present at the battles of Oporto, Talavera, and Busaco, the action of Redinha, battle of Fuentes d'Honor, first siege of Badajos, action at El Bodon, siege and capture of Ciudad Rodrigo, siege and capture of Badajos, battles of Salamanca, Vittoria, the Pyrenees, the Nivelle, Nive, and Bayonne. Colonel Wade was Aide-de-Camp to Sir Lowry Cole, and served throughout the Peninsular war, and was wounded at Albuera. Colonel Sir Robert Nicholl, 88th Regiment, served through the whole Peninsular war, from 1809, was present at the passage of the Douro, the battles of Busaco and Talavera, siege of Badajos, battle of Vittoria, battles of the Pyrenees, Nivelle, Nive, and Orthes, actions of Vic-Bigorre and Tarbes, and was very severely wounded at the battle of Toulouse. Colonel Considine, of the 43d Regiment, was in the action of the Coa, battle of Busaco, actions of Pombal, Redinha, Casal Nova, Foz d'Aranaz, and Sabugal, sieges of Ciudad Rodrigo and Badajos, at the latter shot through the lungs and wounded in the leg, battle of Salamanca, Pyrenees, passage of the Bidassoa, attack at Vera, and battle of the Nivelle, where he was dangerously wounded by a musket shot, which broke his left thigh close to the hip-joint; Colonel Considine is now on full pay, 10th Regiment. To show the nature of the service which the army in the Peninsula was called upon to perform, he would read an extract from a dispatch of the Duke of Wellington, giving an account of an affair which occurred on the heights of El Bodon, on the 25th of September, 1811 :—

"The enemy moved a column consisting of between thirty and forty squadrons of cavalry, fourteen battalions of infantry, and twelve pieces of cannon upon Fuente Guinaldo. This force attacked the 5th and 77th Regiments, under the command of Major-General Colville. The 5th and 77th were formed in square; the enemy's cavalry rushed forward, and charged three faces of the square, which halted and repulsed the attack. The conduct of the 5th Regiment, commanded by Major Ridge, in particular, affords a memorable example of what the steadiness and discipline of the troops, and the confidence in their officers, can effect in the most difficult and trying situations. The conduct of the 77th, under the command of Lieutenant-Colonel Bromhead, was equally good; and I have never seen a more determined attack than was made by the whole of the enemy's cavalry, with every advantage of the assistance of a superior artillery, and repulsed by these two weak battalions. The conduct of Sir C. Colville was beyond all praise."

Colonel Jackson, 6th Dragoon Guards, an

officer to whose services he had previously alluded, was Aide-Camp to Sir C. Colville on that occasion. He wished now to show the brilliant achievements of this army during another portion of the service which it had to perform. That distinguished officer Sir J. T. Jones, of the Royal Engineers, gives the following description of a scene, which a portion of the Peninsular army was called upon to perform at the siege of Badajos:—

"In ordinary military reasoning, such a spot would be considered as secure from assault, but the efforts of British troops occasionally set all calculation at defiance; and when a few years shall have swept away the eye-witnesses of their achievements this night, they will not be credited—particularly the escalade made by General Leith, which is here minutely detailed, not as an undertaking generally to be followed, but as marking what it is possible for brave men to effect. The bastion of San Vicente, which Major-General Walker's brigade, and, subsequently, the whole of the 5th Division escaladed, had an escarpe thirty-one feet six inches high, defended by a flank with four guns in it, at the ordinary distance; the palisades of the covered way were entire, the counterscarp wall eleven feet nine inches deep, and in the ditch was the commencement of a cunette, five feet six inches deep by six feet six inches broad. The troops were discovered when yet on the glacis, and a destructive fire opened upon them. The enemy were fully prepared, and behaved well, inasmuch as no one gave way till overpowered; yet the troops successfully escaladed the face of the bastion, neglecting entirely the flank. There were only twelve ladders originally supplied for this attack, and some of that number were not brought up."

With respect to the Motion of which he had given notice, he was quite ready to leave the matter in the hands of the Government, if the Government would undertake to do justice to the officers whose cause he had thus attempted, however feebly, to advocate. It would be perfectly easy to do what he proposed, which was simply this, to give medals to all the surviving officers who had actually served in the great actions of the Peninsular campaigns; and in the case of such Peninsular officers as had died since the close of the war, to transmit the medals they had earned to their families. This was a subject of very general interest to the Army, for it was to be recollected, that no fewer than eighteen regiments of British cavalry, and sixty-eight of infantry had, at various periods, served in the Peninsula during the last continental war, and had its glorious recollections inscribed on their colours. Besides those Peninsular officers who were still in the army, there were others who had, as was his own (Sir A. L. Hay's) case, retired from the service. If it were suggested that the House of Commons was not the proper quarter in which to bring forward this proposition, he would beg to state that this was not the first time such a proposition had been made there. On the 29th June, 1815, Mr. Wynne, certainly a great authority as to the rights and privileges, and proper mode of proceeding of that House, proposed that amedal should be given to the officers and soldiers of Waterloo, of the same material alike to officers and to men, which showed that what he now proposed is a legitimate subject for the consideration of the House. He would now conclude with putting his Motion, and he trusted it would be supported by the right hon. and gallant General opposite, who wore on his breast the blazon of nine victories. The hon. and gallant Gentleman moved that an Address be presented to the Crown, that Her Majesty would be graciously pleased to confer an honorary distinction on the surviving officers of the Peninsular army.

Lord *A. Lennox* said, he had been requested to second the Motion, and his only regret was that the duty had not devolved on some one more competent to execute it satisfactorily. He should support the Motion because he believed the Commander-in-Chief was favourable to it; but if it were otherwise he should regret it, because he thought it important that the views of the officers of the Army should coincide with those of the Duke of Wellington on all subjects relating to the Army. After the long and able speech of his hon. and gallant Friend, it would be unnecessary for him to enlarge upon the question under the consideration of the House; but, at the same time, he could assure the House that the result of the present Motion was looked to with intense interest by Officers of all ranks in the Army. This feeling was entertained as well by Officers who were entitled to decorations as those who were not, and he would mention one circumstance with respect to the decorations which had been awarded to the troops in India. Lord Ellenborough had granted, and properly, medals for meritorious services in India, and that being the case, why should the heroes of the Peninsula remain undecorated? He could state that Major Grant of the Engineers, had been in thirty-

three engagements, and was three times wounded, and he would ask the House whether it must not be mortifying to that gallant Officer to find himself at Her Majesty's levee and see Lieutenant Joyce, of the British Auxiliary Legion, decorated, while he (Major Grant) was without decoration? It should be recollected that foreigners could not discriminate in such cases, and it was on that ground that he thought the proposition of his hon. and gallant Friend deserving of support, and that he should second his hon. and gallant Friend's Motion.

Sir *H. Hardinge* said, that the hon. and gallant Gentleman had advocated the claims of the Peninsular officers with very great ability and temper. There could be no difference of opinion between him and the hon. and gallant Gentleman as to the eminent merits of the Peninsular army. That Army had performed services which could never be forgotten by the country; but he could not admit that the country was chargeable with insensibility or ingratitude, because the officers of that Army remained undecorated in the way the hon. and gallant Member wished. Thirty-four or thirty-five years had now elapsed since the period in question, and many of the distinguished officers who had just been named were at that time holding an inferior rank, and, according to the regulations then in force in the Army, were not in a position to receive the distinctions which, in other respects, they had well entitled themselves; and however great their individual merits, nothing, as it appeared to him, had now been stated which rendered it necessary for the House of Commons, after the lapse of so many years, to interfere with the results of what were then considered, by the Army at large, and by the Government of the day, sound and beneficial regulations. It was to be borne in mind that the gallant operations of the British army at that period were not confined to the Peninsula. The officers and troops who served under Abercrombie in Egypt had received no such honours as those proposed by the hon. and gallant Member for the Peninsular officers; yet had they performed services not less distinguished, not less gallant; they were the men who came first into contact with the veteran troops of Napoleon. Again, the troops in India, under General Harris, under Lord Lake, the Duke of Wellington, and others, had received no such distinctions, and for this simple reason, that it had not been the custom to give them. In America, in India, in Egypt, brilliant services were performed by our troops, gallant actions preceded and followed the Peninsular campaigns, but no such distinction as this now proposed had been awarded; yet the country had not been charged with ingratitude on that account. In 1812 and 1813 medals for distinguished conduct in Spain were given to the extent of 1,300, among no fewer than 766 officers—officers of all ranks—which medals were allotted according to the regulations in force at that period, and which were generally supposed to be the best adapted for stimulating the zeal of the officers, though not given in the indiscriminate manner which afterwards prevailed. And not only were medals given, but, inconvenience being found from wearing them in some cases, there being officers who had entitled themselves to so many as seven, eight, nine, nay, ten, an order was issued in 1813, that officers should receive crosses or clasps, in lieu of so many medals, two, three, or four, as the case might be; and further, with the same view, the Order of the Bath was extended, and 300 officers, of the second and third class, were nominated to the Order of the Bath. These distinctions gave the greatest possible satisfaction to the army at large at that time; but the proposition of the hon. and gallant Member, while in itself surrounded with many and complicated difficulties, even if carried out, would still fail to give satisfaction to the Army. In 1840, in answer to a memorial from a number of officers, the Duke of Wellington said at the time he had faithfully reported to the Government the services, as well of the Peninsular army generally as of individuals; that the subject had been fully entertained at that period, then twenty-five or thirty years past, and that full justice had been, as it had been conceived, done; and that he had exercised no further influence over the question then, and had no power or wish to do so now. It had been distinctly stated in the various military circles and journals, that any such proposition as that now made would not satisfy the Army generally; that doubtless the Peninsular army had performed great services—greater than any other British army—but that the British army in other parts of the world had also performed great services, and that therefore injustice would be done, and dissatisfaction created, were the Peninsular army alone to receive these distinctions. The principle upon which the superior officers obtained the dis-

tinctions was that of giving them, not merely to the bravest, but to the person who had the responsibility of the command, and who received it, not alone in his own name, but in that of the regiment he had led on to victory. If the House consented to the Motion of the hon. and gallant Gentleman, the result would be, that in all future warfare medals and honorary distinctions must be granted to all services and persons engaged in it without discrimination, and such a system of reward would soon become one of little value. It is true that medals had been granted within the last two years to the troops engaged in the operations in India, and in his opinion, nothing could possibly be more politic and wise than the granting of those medals when the peculiar circumstances attending all those operations were considered. He believed it to have been quite proper and wise to grant medals to the troops who fought under General Sale at Jellalabad, and Generals Nott and Pollock at Candahar and Cabul, after the previous disasters which had befallen to the army at Cabul, and there was no doubt that the conduct of General Napier at Meannee and Hyderabad earned for his army the decoration they gained on that occasion; but the case which the hon. and gallant Officer opposite had put before the House was of a different description from any of those. The Motion of his hon. and gallant Friend opposite would, if carried, only give medals to the Officers who fought in the Peninsula, including those who were dead, whose relations were to receive them. Now, if they were to establish that principle, how could they in justice omit others? Should they not give medals to the Officers (or their surviving relatives) who fought in Egypt, who fought in the East Indies, at the Cape of Good Hope, in Java, at the Mauritius? It would be impossible to agree to a Motion of that kind, without extending it to all the Officers of the Army and their relations, who had equal claims. He had received a letter from an Officer, in which great dissatisfaction was expressed at the very idea of the Motion of his hon. and gallant Friend being carried, inasmuch as the Officers who served in other places with equal zeal considered themselves to have an equal claim to those honours with the Officers of the Peninsula. He would say that no man could be more appropriately selected to bring forward the subject than the hon. and gallant Officer (Sir A. Leith Hay), who had himself served in the Peninsula. But he would ask, why not extend the principle, if they agreed to that Motion? And he would ask another question. If the House agreed to this Motion, why should they confine the granting of the medals to Officers? Why should they not extend it also to the soldiers who were engaged in the Peninsula? The letter to which he had previously referred, put that question; it asked why were the proposed honours to be confined to Officers alone, to the exclusion of the common soldiers, instead of following the precedent which was set in the case of the Waterloo medals, when the whole Army engaged, from the Field-marshal to the drum-boy, received the same medal. The Motion was one which would not, he believed, be pleasing to all the Officers of the Army, and it was mentioned in several military publications as one which would not be pleasing to the Army. Would it not be looked on as injustice if, after the precedent of the Waterloo medals, the Government advised the Crown to cause a distribution of medals to Officers who fought in the Peninsula, and to omit the soldiers? His hon. and gallant Friend, when introducing this Motion, alluded to the exploits of those soldiers which had placed a ducal coronet upon the brow of their Commander. Now, no one was more inclined to admit, and no one more fairly admitted than the noble Duke, the debt of gratitude which he owed to those men; but it ought to be also recollected that they owed a debt of gratitude to the noble Duke, for the manner in which he directed their operations, and by his skill and ability secured victory for their arms. He should repeat, that he did not see why the hon. and gallant Officer had omitted the soldiers in his Motion, for they were deserving of those medals also. The same objection could not be made to the Motion, which the hon. and gallant Commodore (Sir C. Napier) had given notice of, for in that Motion it was proposed to grant the distinction both to Officers and men who had been in particular actions. That notice would go upon a better principle, but he thought it would produce, as well as the Motion before the House, great inconvenience if carried. Now if the relatives of Officers were to get those medals in order that they might be kept as heir-looms, how could they find out the surviving relatives of all the soldiers who had served in the Peninsular war, and had died within the last thirty-five years. The surviving relatives would, in this case, have

the same claim as the Officers, and how were they to find them out. In the case of soldiers who served at Vittoria and Salamanca, and who had been subsequently killed, how were they to find out the relatives of those people. He had no doubt that if that principle were carried out, they would have to include 50,000 soldiers for the Peninsular army alone; and if they then went a step further, and included all the soldiers who had served in Egypt, India, and America, since 1793, they would have at least 250,000 to whom or to whose relatives medals ought to be given. He confessed he could see no way in which they could get out of that labyrinth. He put it to the House whether the Government could recommend this course. The Government had every disposition to accede to the just claims of the Army and Navy, and in fact that had been stated by the hon. and gallant Officer in introducing his Motion. The Government fully appreciated the eminent services of the Army engaged during the Peninsular war—an Army of which it had been truly said, that "They never occupied a position which they did not keep, and they never attacked a position which they did not carry." He appreciated as fully as any one the merits of those officers, but he had stated to the House the reasons which prevented him from agreeing to the Motion of his hon. and gallant Friend.

Sir *C. Napier* could not agree to the principle, that because justice had been delayed for thirty-four years, it was too late now to grant that reward to the officers and men who had served their country in those battles. It was not at a former period common to give those medals to the men so much as to the officers, but after the battle of Waterloo the medals were equally distributed amongst the officers and men, and it struck him that with such a precedent the Government might give medals to the officers and men who served in the Peninsula. The right hon. the Secretary at War had stated that if they were to give medals to the officers and men who fought in the Peninsula, they should also go back and give medals to those who had been in Egypt and America. He would say that they ought to go back to Egypt and America and give those honours which were due to the officers and men. It was better late than never, and it was never too late to do a good thing. The right hon. Gentleman said, that if they carried out that principle, there would be at least 250,000 men to whom, or to whose surviving relatives, medals should be granted, and that would be a great difficulty. It should be recollected that it was not the business of his hon. and gallant Friend (Sir A. Leith Hay) to take the mode of carrying this Resolution into effect out of the hands of the Government, and to show them how it ought to be done—he would leave that to the Government. He would show, however, a very plain and simple remedy for the difficulty which the right hon. Secretary at War had adverted to, and it was this, let the medals be given only to the surviving officers and men, and it would be then perfectly easy to distribute them, but they could not accomplish it in the other way, for it would be impossible to find out the wives and children of all the soldiers who had died, perhaps, some of them twenty or thirty years ago. All great actions ought to be commemorated by a medal, and the Order of the Bath could be reserved for cases of particularly distinguished service. The affair of El Bodon to which the right hon. Gentleman opposite had referred was a most brilliant affair, in which a small number of cavalry and infantry resisted the attack of a great force of the enemy. Even the battle of Meannee was nothing to it, for at Meannee they were opposed to East Indians, whilst at El Bodon they were opposed to well-disciplined French soldiers. With respect to the arrangements under which distinctions were awarded, he knew of a case in which a post captain, who brought his brig into action, was deprived of the honour which another officer, bringing another ship into the same position, would have obtained. If an officer were commanding a detachment guarding the baggage when an action was going on, that officer had no right to a medal for the action in which he did not take a part. It was just the same case as if a fleet were going into action, and some ships were ordered to detach themselves, and go out of the line of battle on a particular service. He would say that the officers and men of those ships which were not in action ought not to get medals for the action in which they took no part. It was calculated to prove very advantageous to give medals for great actions, for the officers and men who were in those actions would feel a pleasure in showing those rewards of

bravery when they went home amongst their friends, and thus a feeling in favour of the Military and Naval Services would be excited. It was unnecessary to remark how much was thought of such distinctions by officers and men. When the Duke of Wellington, after having the Garter conferred on him, was asked to return the Order of the Bath, he wrote home to say that he wished to keep it, but his request was not granted; and it was not till afterwards, when a new arrangement was made, that he received it again. When Picton was refused a title, he said if they put a Coronet in a fortress he would soon get it out, as soon as any one else. He would mention another case with reference to the granting of distinctions for bravery in battle. An Austrian midshipman and an English midshipman were both approaching an enemy's fort, and in their anxiety each to be first, they absolutely commenced a race, the British midshipman arriving first. In this case there was no distinction granted by this country to the British midshipman, but he got one from Austria. Now, in such a case, the mere granting of such a decoration as a bit of ribbon would have given the midshipman who had so distinguished himself an opportunity of showing to his friends the reward of his bravery. Lord Exmouth, writing home, said of another midshipman, that his ardent spirit carried him under the batteries of the enemy, where he lost half his boat's crew. [An hon. *Member*: Sir W. Gossett was there too.] He was glad to hear it, and he regretted that there had been no medal given to him, as he was sure he deserved it. There was one suggestion which he (Sir C. Napier) wished to make: he thought that where an officer, who was a Knight of the Bath, was killed in battle, his widow should be allowed to wear the Order. Let them consider what a spirit such an observance would instil into the hearts of her children. It would be a most valuable distinction if well applied; but, as at present given, he had seen it bestowed for mere trifles, and the result was, that it was not now worth that [the hon. and gallant Commodore snapped his fingers.] The present mode of disposing of it destroyed its value. He was of opinion that great advantage would arise from granting medals.

Mr. *F. French* mentioned the case of an officer named M'Gregor, who had served twenty-eight years, for a considerable portion of which he had been a non-commissioned officer, his character stood very high, and his late commanding officer, Colonel Penefather, said that there could be no better soldier. He obtained a promotion, and served as a commissioned officer for some time; he was engaged in the late war in Scinde, and he had died recently, leaving a widow and four daughters by a former marriage, totally unprovided for, and who were now in a state almost of starvation. His widow applied to the Horse Guards for the pension to which she conceived she was entitled, but was refused, as her husband had not served ten years as an officer, according to an arrangement which had been made in 1830. That was a case of very great hardship, inasmuch as he had served twenty-eight years in the army.

Sir *H. Hardinge* said, that other cases of a similar nature had occurred, and they were, as was rightly stated by the hon. Member, affected by that regulation of 1830. In three or four cases the operation of this order was perceived to be manifestly unjust, for it debarred the widow of a pension unless the officer was killed in action, or had served ten years; the object of the order was to serve officers, for it would prevent an officer who entered at sixteen marrying before twenty-six. In the case, however, to which the hon. Gentleman opposite alluded, where the officer had served so long before obtaining his commission, it would not be just towards the widow to debar her of the pension.

Colonel *Sibthorp* regretted to be obliged to oppose the Motion of the hon. and gallant Officer. He thought that however well merited the distinctions proposed to the officers of the Peninsula, the carrying into effect a Motion of this kind would create dissatisfaction throughout the army at large. What right had that officer whose good fortune it had been to have been engaged in those actions to have a preference to other officers who were engaged zealously discharging the duties to which they had been appointed by their commanders? He thought that if distinctions of this kind were to be conferred, they should not be confined to one branch of the army.

Captain *Berkeley* said, that although he had come down with the intention of supporting the Motion of his hon. and

gallant Friend, yet having heard the observations made by the right hon. and gallant Officer, the Secretary at War, who must be most zealous for the honour of the service, he felt himself bound to ask that the Motion might not be pressed. The value of honorary distinctions was very much affected by the time and manner in which they were conferred. For his own part, the same distinction for which, if to be bestowed on the spot, he should fight to the last drop of his blood, he should regard, if delayed for a series of years, as a bauble unworthy of a child's acceptance.

Sir *G. Cockburn* concurred with his hon. and gallant Friend, that the carrying this Motion into effect would be a great injustice. He had witnessed gallant actions in various parts of the world, and he thought that it would be the greatest injustice to distinguish the officers of the Peninsula alone. At the same time, he must acknowledge their services to have been transcendant. But he had seen brave services performed with equal zeal in every part of the world, and he thought it would be wrong to make any distinctions. If it had been the practice to give medals in the early part of the war, those who were present at the battle of Trafalgar, at the action of the 1st of June, and at the battle of Copenhagen, would all have been entitled to medals, but it was not at that time the custom either of the service or of the country to give medals. Previous to the battle of Waterloo, the last great battle fought had been fought ten years before. If they went back to bestow medals upon the officers and men who had been engaged in all the great battles of the last war, they must go back to a period of more than half a century. The question was, would the Government be justified in going back so far? He thought that to assent to the Motion would be attended with very great difficulty.

Sir *A. L. Hay* having done his duty by bringing the subject under the consideration of the House, and being conscious of the impossibility of succeeding in the object in opposition to the will of the Government, would not press the Motion to a division.

Motion withdrawn.

STIPENDIARY MAGISTRATES.] Lord *Ebrington* said, he rose to move for a return, showing the dates of the appointments of Stipendiary Magistrates, from the 2nd day of March to the 15th day of April, 1844, both inclusive. In continuation of the unnecessarily voluminous returns already furnished by the Government, which, however, though voluminous, were incomplete, Mr. O'Brien's name was not in them. Keenly as he felt the absence of his noble Friend, Lord Morpeth, whenever Irish questions were discussed, he felt it more particularly now, in undertaking the vindication of the character of his noble Relative the late Lord-Lieutenant of Ireland, a character unassailed, until it was attacked by the right hon. Baronet the Secretary for the Home Department the other night; because in addition to his bringing far more information and weight to the justification of his noble Relative, he was sure that Lord Morpeth would be eager to share in whatever responsibility attached to the appointments which had been made, and so far from being ashamed of the number of Magistrates added, would, in common with the late Lord-Lieutenant, regret that the increase had not been carried farther. It was needless to enter into the general question of the desirableness of Stipendiary Magistrates in Ireland, for there was no fact more notorious, from the days of Arthur Young down to those of Captain O'Driscoll, than the maladministration of the law in Ireland, and the consequent want of confidence of the people in its administrators. He would therefore at once proceed, with the permission of the House, to read to them the charge, though he was aware that such a proceeding was contrary to the usual practice of the House, in order to enable them to understand his reply. The right hon. Baronet had said on a former evening, that "the "number of Stipendiary Magistrates in Ire- "land, in 1838, 1839, 1840, and 1841, under "the administration of the noble Lord and "his colleagues had amounted to fifty- "nine; that in the estimate for 1841, there "were fifty-nine Stipendiary Magistrates "only in Ireland, but that at a previous "period, in June, 1841, the Estimates "having been passed, the noble Lord and "his colleagues bethought them of the ex- "pediency of adding to the number, that "on the 15th of June they added one, that "they added two on the 28th of July, two "on the 6th of August, one on the 16th of "August, and that on the very day on "which Lord Melbourne resigned the "seals of office to Her Majesty, the late "Lord-Lieutenant elected one on that very

"day. That thus—after the Government "was a condemned Government—not con- "tent with adding seven Stipendiary Ma- "gistrates in these three months—in the "last gasp of an expiring Government— "they appointed one Magistrate on the very "day they left office." On a former occasion, some time since, when, amongst others, he expressed his disapprobation of the dismissal of the Magistrates, Lord Eliot did him the honour to reply to him, and he did not insinuate any improper motives in those appointments, as a reason for their dismissal; but, on the contrary, said that the tranquillity of the country rendered them unnecessary. It was only now, three years after that period, that the right hon. Baronet first brought forward charges of this kind. Now, with respect to the first fact stated by the right hon. Baronet, that in the years 1838, 1839, 1840, and 1841, the number of Stipendiary Magistrates was fifty-nine. This very statement was inaccurate, for on the first of June, 1839, there were fifty-six instead of fifty-nine Magistrates; on the first of June, 1840, there were fifty-eight; and on the first of June, 1841, there were sixty-two. The right hon. Baronet said that on the 13th of June, 1841, the noble Lord (the Lord-Lieutenant of Ireland) bethought him that some addition to the number of the Stipendiary Magistrates was required; yet the above figures showed that the increase was gradual, as the preservation of the peace of the country seemed to require, and not upon any sudden thought; the Government from time to time removing Magistrates from districts where it was thought they were no longer required, and appointing them in others where their services were called for. With respect to the appointment of the seven additional Magistrates of which the right hon. Baronet had complained, he was prepared to show, to the satisfaction of the right hon. Baronet, and of the House, that they were all appointed upon the representation of the authorities of the several districts, as to the difficulty of procuring the attendance of local Magistrates. The noble Lord read the following statements of new and additional appointments of Stipendiary Magistrates made by Lord Fortescue in the year 1841:—

"*Feb.* 13. *Kenmare, County Kerry.*—This appointment was made in consequence of local disputes and disturbances occurring among the fishermen on the coast of Kerry. Mr. Roche, resident magistrate at Tralee, was desired to inquire into the origin and cause of continuance of those disturbances, and he reported that there was no chance of bringing them to a satisfactory termination as long as the adjudication on the merits of the dispute was vested in the local magistrates, who were supposed by the parties engaged in them to be personally interested on the one side or the other. There was also a general want of magistrates to attend the petty-sessions. Lord Kenmare, the Lieutenant of the County, entirely approved of this appointment.

"*Feb.* 13. *Newtown Hamilton, County Armagh.*—The reasons for this appointment are given at length in the returns: the murder of Mr. Powell, and the wild nature of the country round Newtown Hamilton, were the grounds assigned by Lord Gosford and the magistrates of the county for calling on the Government to make this additional appointment.

"*Feb.* 13. *Drumlish, Longford.*—The reasons for this appointment are also detailed in the return. The propriety of the appointment was urged on the Government by Lord Clements, Sir William Lynar, then resident magistrate at Mohill, and Baron Lefroy. This appointment was discontinued in the first instance by the Government of Lord De Grey but upon a strong remonstrance, made by persons of all parties, it was eventually continued. Mr. H. King, Lord Lorton's son, was one of those who signed the memorial.

"*May* 11. *Craig, County Carlow.*—The very limited attendance of magistrates, and the impossibility of procuring it for the different petty sessions in the district bordering on the counties Kilkenny and Carlow, was the ground for their appointments. The necessity of it had been previously urged on the Government by Lord Besborough, then Lieutenant of Carlow, and it was again brought forward by Lord Duncannon, the present Lieutenant of the county. The opinions of many residing in the neighbourhood, and, among others, of Mr. Tighe, of Woodstock, were sought for by the Government, and found to concur in the propriety of the appointments; and Mr. Green, the stipendiary magistrate of Kilkenny a gentleman whose conduct has been highly eulogised by all parties, having been directed by the Government officially to report on the circumstances of the case, was strongly in favour of the appointments being made.

"*May* 11. *Doughbeg, County Donegal.*—This is one of the wildest and most isolated districts in Ireland; it was one of the few places in which illicit distillation was still carried on. There was no magistrate whose services could be made available. A conflict had taken place between the revenue police and the people, in which a woman had been shot. Colonel Brereton, the head of the revenue police, declared that unless a stipendiary magistrate was located in the district, he did not consider it prudent, nor would he be justified, in continuing the station in the district.

"*August* 6. *Ballyshannon, County Donegal.*—

The conflicts and violence of the disputes respecting the fisheries at this place have been, unfortunately, sufficiently notorious in Ireland; an additional force of nearly seventy police was kept up solely in consequence of the excitement arising from these conflicts. It was deemed absolutely necessary by the Government to have a responsible authority upon the spot.

"*August* 18. *Tallow, Waterford.*—This appointment was made in consequence of memorials presented to the Government complaining of the great want of Magistrates to carry on the business of the Petty Sessions. It may be stated that so far was this appointment from being made for the purpose of providing for some friend of the Government, that the gentleman appointed (Mr. Alcock) was one who, from dissatisfaction with Lord Fortescue's Government, had withdrawn from public life, but that Lord Fortescue, from his previous knowledge of Mr. Alcock's utility and services as a Magistrate in Waterford, still thought it right to confer the appointment upon him."

At this distance of time he had had some difficulty in ascertaining all the particular circumstances which had led to these appointments. He was fortunate in being able, with respect to the last, to read the following letter from the Vice-Lieutenant of the county to Lord Stuart de Decies:—

"That in consequence of frequent disorders occurring in the town of Tallow and the district, there being no resident Magistrates, application was made at a General Quarter Sessions, conformable to the statute for consolidating the Petty Sessions of Tallow with the Petty Sessions of Lismore, still much inconvenience arose from bringing prosecutors to such a distance from their homes, and a memorial was forwarded from the inhabitants of Tallow and its vicinity, to which Mr. Keeley and the Rev. Mr. Jackson affixed their names, as well as others of the most respectable of all creeds and classes, soliciting the appointment of a Stipendiary Magistrate. The prayer of the memorial was not in the first instance granted; and not until a considerable period had elapsed, and a very strong memorial laid before the Lord Lieutenant in the second instance, was the solicitation acceded to. Being the official channel through which the memorials passed, as Vice-Lieutenant of the county in your Lordship's absence, I can vouch that not until absolutely required for the preservation of order, did the appointment of a Stipendiary for Tallow take place."

And the following passages from a letter of that noble Lord's, the Lieutenant of the County of Waterford:—

"If you remember, there was a very bad spirit prevalent in Tallow a few years ago, in consequence of the inequitable assessment to which the town and adjoining town lands were subjected under the old valuation. * * And until Mr. Croker accepted the commission, which for a long time he declined doing, scarcely a possibility of holding the Petty Sessions with anything like punctuality at the former place. * * * This was a source of great uneasiness to me, and I did all I could to persuade both Croker and Moore, but for a long time in vain, to take out the Commission."

They did so after Lord de Grey's accession to office. In regard to the appointment of Mr. Alcock, the last Magistrate who had been appointed by Lord Fortescue, and who had not been re-appointed by the present Government—it happened that this Gentleman had been personally discourteous to that noble Lord. He had, therefore, no claims upon the noble Lord for the appointment, save those which arose out of the consideration of his services and abilities as a Magistrate. Mr. Alcock was a Liberal, but not a Repealer, and had been, as testified in several letters, with which he would not trouble the House, a most active and useful Magistrate in the four counties of Wexford, Waterford, Tipperary and Kilkenny. His conduct as a Magistrate had been spoken of in highly complimentary terms in memorials signed by Magistrates, Clergymen, and others of the most respectable classes, and of all parties in the county of Waterford, praying for his re-appointment, and in an address from persons of all ranks and parties at Glenties, the station to which he was attached (which Lord Ebrington read) but Mr. Alcock seemed to think that his not having been re-appointed must have been owing to some imputation supposed by the Government to rest upon his character. He wished, therefore, in compliance with a request from that Gentleman, to ask the noble Lord whether this was the case, and whether, as it was shown in the case of Mr. O'Brien, that discourtesy to the late Lord-Lieutenant was no bar to such an appointment in the eyes of her Majesty's Government, he might hope to see Mr. Alcock re-appointed, but if Lord Fortescue had wanted to give him an appointment, there was the case of a gentleman under his consideration just before he left office, whose place would have suited Mr. Alcock quite as well as the one which he received, with regard to whose conduct Lord Fortescue had formed a strong opinion, but he declined acting upon it at that moment, and contented himself with leaving the whole case with a minute expressive of the view he had taken of it for the decision of his suc-

cessor. The noble Lord (Lord Eliot) would at once understand the case to which he alluded, he would not be more explicit for fear of inflicting needless pain upon the Gentleman referred to, but he mentioned the circumstance to show conclusively that Lord Fortescue could have no corrupt motive for creating a new station. Having gone through these particulars, he was free to say that he was quite sure that the right hon. Baronet, in the observations he had made to the House upon this subject, had no intention to give pain to an old friend, and once a political supporter; but he must say that the right hon. Baronet having, perhaps through inadvertence, allowed so long a time to elapse without making any of these charges, he thought it would have been better if he had exercised the self-denial of refraining, on the recent debate, from making them, and had allowed the matter still to slumber in the oblivion in which he had so long suffered it to rest. Thanking the House for the kind attention with which it had listened to him on the present occasion, he begged to move for the returns of which he had given notice.

Sir *J. Graham* said, that, as a general rule, he certainly thought a strict adherence to the orders of the House in reference to past debates was a salutary rule, and under ordinary circumstances he should have been prepared to have applied it against the noble Lord on the present occasion. He thought, however, that the circumstances of the present case were so peculiar, and the motives which actuated the noble Lord so creditable, that it would have been improper to have interrupted him upon a mere point of order. With regard to the ground of complaint of the noble Lord, it certainly appeared to be true that in a few slight particulars he had been inaccurate in his former statement on the subject of these appointments; but this very inaccuracy of his, and what it had led to, showed, in his opinion, how unadvisable it was to depart from the rules of the House, and to raise an adverse debate on words reported to have been used in a former discussion. The circumstances under which he (Sir J. Graham) had made the statement now complained of were these. He followed in debate the noble Lord the Member for London, who had made a most powerful speech, occupying three hours in the delivery, and embracing a great variety of topics, including the whole policy of the present Government in regard to Ireland. Amongst other points he censured the Government for their conduct in regard to the Stipendiary Magistracy of Ireland, observing that he should be inclined to recommend that the number should be increased, and that he thought it highly imprudent to reduce the number. He happening to sit next his noble Friend the Secretary for Ireland, that noble Lord handed him a return which appeared to contain a complete and triumphant answer to the speech of the noble Lord the Member for London upon this subject; and he (Sir J. Graham) having hastily ascertained its contents, used them against the noble Lord substantially, as appeared in the Report read by the noble Lord opposite. The substance of what he (Sir J. Graham) said was, that the maximum number of Stipendiary Magistrates in Ireland under Lords Normanby and Fortescue down to the 13th of June, 1841, was fifty-nine. It appeared that he was correct, taking the 13th of February instead of the 13th of June; for down to the above period the maximum number of Magistrates was still fifty-nine. He had also stated that between June and August, 1841, seven additional Magistrates had been appointed. What was the fact? Between the 13th of February and the 28th of August, only four new Magistrate stations had been erected, and eleven new Magistrates had been appointed by the late Government; which clearly showed that seven additional Magistrates had been appointed in the last six months of their Administration. It was also true, as he had stated, that Mr. Alcock had been appointed in the month of August 1841, on the 27th day of that month, the very day on which Lord Melbourne ceased to be Minister. It was also true, as he had stated, that under Lord De Grey's Administration the number of Stipendiary Magistrates had never been less than sixty; a number greater by one than the number employed by Lord Normanby, while he was Lord Lieutenant, greater also than the number employed by Lord Fortescue until the last six months of his Government, when with such marvellous haste a large number of new appointments was suddenly made on the ground of an alleged necessity.

Mr. *F. T. Baring*, while agreeing with the right hon. Baronet that the strict rules of the House should in general cases be adhered to, thought, at the same time, when attacks of this kind were made, it

was most proper that an opportunity should be given for refuting them. The right hon. Baronet had complimented his noble Friend (Lord Ebrington) on his courtesy in the manner of bringing forward his Motion, and had expressed his regret that he had not been able to do so on the previous occasion when the subject had been before the House. Perhaps the right hon. Baronet would permit him to say the same thing of him, that if he had made his statement on the former occasion, in the same spirit as he had on the present, there would not have been any occasion to complain of his noble Friend. But at that time, there was no insinuation that could be thrown out that was not taken advantage of by the right hon. Baronet as against Lord Fortescue, and used in that covert and powerful manner of which no man in the world, perhaps, was so great a master as himself. Now, what were the facts? It was said that in 1841 a vote had been taken for fifty-nine Stipendiary Magistrates, and that the return which had been made would show that up to the time of the Estimates being laid on the Table the Government of Lord Fortescue had no intention of increasing the number of Stipendiary Magistrates. Now, it was a powerful fact and an unanswerable argument on this point, that no such estimate—no such return existed. There had been no such estimate, nor had any such vote been taken. This was a strong fact, when it was recollected that the charge brought against the Government of Lord Fortescue was that of jobbing in regard to those magisterial appointments; it was a strong fact that that charge had been made upon an estimate twice alluded to that did not exist. There had been a return of the number of Magistrates in actual service at the time, but there had been no return to justify the right hon. Baronet in making the assertions and insinuations which he had made. [Sir *J. Graham* admitted there was no such estimates.] Yes, that was now admitted. The question whether it were necessary to appoint additional Magistrates was one of policy, but that was not the point. The question was, the charge which had been made against Lord Fortescue of making those appointments for the purpose of creating patronage. First, they had got rid of the estimates; and now they came to the details of the creations, and here the dates of the appointments were important. On the 15th of June the right hon. Baronet said (on the former occasion), you were a condemned Government, and, knowing it, you made these appointments. The right hon. Gentleman could not say that now, for he had the dates of the several appointments before him. It had been the policy to make a gradual increase in the number of Magistrates. In 1839 two new stations had been created, and two abolished. In 1840 five new stations had been created but two had been suspended, and one permanently abolished, the number being increased actually by two in 1840. Then they came to 1841, and they found the Lord-Lieutenant continued his policy of gradually increasing the Stipendiary Magistrates; but when did he create the new stations, for that was the point? The greater part of them in February, or shortly after. Five new stations had been created before the 15th of June, and two only after that period. But the right hon. Baronet's statement went to the appointments, and he said, that they were made subsequent to the 15th of June. The Lord Lieutenant having made the new stations, and appointed some of the old Magistrates to them, was obliged to fill up the vacancies; and though the right hon. Baronet would have the House believe that it was after the 15th of June that the increase to the number of Magistrates took place, it must be remembered, that the necessity for that increase had occurred previous to that time. When they increased the number of stations, they, as a matter of course, created a necessity for an additional number of Stipendiary Magistrates. The right hon. Baronet had alluded to the last appointment made by the late Government, that of Mr. Alcock, but that was to fill up a vacancy. The Tallow appointment was made on the 18th of August, as the right hon. Baronet had stated, the day on which Lord Melbourne went out of office. That might appear remarkable to any person who was unacquainted with the usual practice in such cases, but every man who was acquainted with official liability, knew that it was not unusual to make appointments on the last day of the Government remaining in office. He was not making any charges or accusations in this respect, he merely wished to show what was the rule, and it was this, that if any vacancy occurred while the Govern-

ment remained in office, that Government filled it up as a matter of course. If there were any doubt upon this point, there were on the Table returns of the appointments made in 1835, when the change of Government took place; and he found, from those returns, that, although the Government of which the right hon. Baronet was a Member, went out of office on the 18th of April, that appointments were made to offices that fell vacant several days after. He did not state this as any charge against the Government, but merely to show, that it is a general rule, and a mere matter of course. I find, too, from those returns, that on the 1st of April, 1835, a Mr. Despard was appointed a Police Magistrate in Ireland. I do not know whether the Government were then a condemned Government or not. Another appointment was made on the 20th of April, he being at that time in the Treasury, and sitting in the Secretary's room. If it had been A. or B. that had made the insinuation, I should not have been surprised, but he was astonished that a man of so much official experience as the right hon. Baronet should have resorted to such a catch-clap, when he must well know that it is the constant practice, up to the last moment of a Government remaining in office, for them to fill up the vacancies that occur. But, whether the last moment, or the first, the Government had no right to fill up any office, if not required for the public service — and if in this case the offices to which the appointments were made, were improper or unnecessary, they had a right to complain against the Government for making the appointments. He would suggest to the right hon. Baronet to be more careful in future, and to pause before he ventured in this way to attack his old Friends.

Lord *Eliot* was anxious to explain shortly the circumstances of the case as he was responsible for the statement made by his right hon. Friend. The noble Lord had stated correctly that two years ago, when this matter was before considered, he (Lord Eliot) had contented himself with acting upon the defensive. He stated then what he thought would be considered a sufficient ground for reducing the number of Magistrates in Ireland, and that was the ground of economy. He had satisfied himself that it was not necessary to have more than fifty-nine or sixty Magistrates; and, having been called upon by his right hon. Friend the Chancellor of the Exchequer to make every reduction that was possible, it was his opinion that the services of seven Magistrates might be dispensed with. Scarcely a newspaper had issued or a speech been made since that period that had not contained some attack upon the Government for taking that step. The great organ of the Whigs, the *Edinburgh Review*, had joined in the attack. This had led him (Lord Eliot) to suppose that the matter would not be passed over in Parliament; and he had, in consequence, made some memoranda upon the subject; and when he heard the noble Lord opposite blame the Government for the course they had taken, he gave to his right hon. Friend near him the documents, the substance of which his right hon. Friend had laid before the House. He (Lord Eliot) thought that the right hon. Gentleman opposite (Mr. Baring) had failed to prove that his (Lord Eliot's) right hon. Friend was wrong in what he had stated. The error arose from the following circumstance:—In 1841 he (Lord Eliot) found eleven new appointments; eleven new Magistrates had been appointed, when there were only four vacancies; and, consequently, there must have been an addition of seven new Magistrates. There were on the 1st of January fifty-nine; when he (Lord Eliot) obtained office there were sixty-six. The only error made by his right hon. Friend consisted in his saying that the seven were appointed between July and August, whereas they were appointed between February and August. But the right hon. Gentleman had not stated correctly the fact as to the appointments made during the last three months of the late Government; there were, in reality, three new stations appointed. The right hon. Gentleman had also ingeniously glossed over the case of Mr. Alcock, who was appointed, on the 18th of August, to a station only ten days old. The noble Lord stated that there was good reason for sending down Magistrates for temporary emergencies. That might be; but he (Lord Eliot) did not see the least use in making a number of new appointments in consequence of a riot amongst a number of fishermen, or anything of that sort; and though he was far from saying that there should not be a sufficient number of Magistrates for the due administration of justice, yet he did say, that beyond that they should not go; and if sixty had been found sufficient for the last three years, whilst

there had been famine riots in one part of Ireland, Poor Law riots in another part, together with the Repeal agitation—considering all these circumstances, he did not certainly think that there were sufficient grounds for making an increase of seven in the six months preceding August, 1841. That that increase had been made was evident from a return which he held in his hand, headed "Constabulary of Ireland—Return of Stipendiary Magistrates upon the 1st of January, 1841," and dated "Constabulary-office, Dublin, 20th of May, 1841." That return was laid upon the Table of that House on the 20th of May, 1841. It stated the number of Magistrates in Ireland on the 1st of January, 1841, and, though dated the 20th of May, it contained no statement that would lead one to imagine that any addition to the number was about to be made or was in contemplation by the Government. He therefore thought his right hon. Friend was perfectly justified in what he had said; for he maintained that the late Government did, within the last six months of their administration, and, after boasting of the tranquillity which had reigned throughout the country, make an addition of seven and in the last six weeks of three Magistrates, one of those being upon the very last day of their holding office; and what his right hon. Friend had stated was, that it was neither a usual nor a justifiable step upon the part of a Government to create an entirely new office upon the last day of their administration.

Mr. *Labouchere* thought the question was not one of mere accounts, but of a very grave and palpable nature; and that question was whether the charge which had been made by the right hon. Baronet opposite against the late Lord Lieutenant of Ireland, of having prostituted his patronage for unworthy purposes was, or was not true. It was a very grave charge that had been made, and he was not surprised at his noble Friend, who naturally felt jealous for the honour of his relative, as well as every one who was acquainted with Lord Fortescue, who bore as high a character as any one who ever entered the service of his country—he was not surprised, he said, that the charge of the right hon. Baronet against that man should excite the feelings, not only of the noble Lord, but of every one who heard it. He would ask every one who had heard the subsequent discussion, whether that charge had not completely broken down. He could well conceive that the right hon. Baronet might, in the heat of debate, and when speaking upon documents put into his hand but five minutes before, be liable to mistake; but surely, after the illustration of facts which had since been given, the right hon. Baronet should fairly and freely have admitted that his statement was not borne out by facts, instead of attempting to defend it by the trumpery arguments which the House had heard. He was surprised also at what had fallen from the noble Lord the Secretary for Ireland. The noble Lord had spoken beside the question, and had wholly avoided it—the real question simply being, whether there were any facts before the House to warrant the House in coming to the conclusion that Lord Fortescue did improperly make the appointments which had been referred to during the last few months of his Administration. The right hon. Gentleman talked as if it were not material whether the appointments were made between February and August, or June and August. Why that constituted the whole *gravamen* of the charge; for it had been proved that, instead of seven new appointments, there had been only two during the last few months of the Administration. That did away with the whole charge, especially when it appeared that Lord Fortescue was only acting upon the principle which his predecessors had laid down, of gradually increasing the number of Stipendiary Magistrates in Ireland. But he was really ashamed of arguing the question upon these details. He put it boldly to the House and to the country, whether there were any circumstances to warrant the right hon. Baronet in making the grave charge which he had made against Lord Fortescue. Then, when the right hon. Gentleman talked of "Estimates," they were told that it did not signify whether accounts laid upon the Table relating to Magistrates were Estimates or Returns. When one spoke of an Estimate, it was supposed to imply an account of what might be wanted; a Return, on the other hand, of course, did no more than contain the actual state of things as existing at the time of its date. He merely stated these things to show how it was, partly by insinuation, and partly by a variation from facts, sought to bolster up an unfounded charge. It had not been attempted to be said that one appointment had been improperly filled up—they had heard nothing

of that sort. Applications had been made to the Government from men of all political opinions, calling on it to make these appointments, and he was certain that if Lord Fortescue had not made them, there would have been a charge made against him of having neglected his duty. Upon the whole, he could only congratulate his noble Friend upon the result of this debate. Every impartial man who had listened to it must come to the conclusion that the noble Lord's noble relative stood entirely clear of the charges against him of improperly using his patronage.

Lord *Stanley* said, the observations of the right hon. Gentleman rendered it necessary for him to say a word or two. The right hon. Gentleman found it convenient to raise the suspicion that his right hon. Friend (Sir J. Graham) had in the first instance, without being called on to do so, made an attack against the noble Lord who administered the Government of Ireland. His (Lord Stanley's) right hon. Friend was replying on the spur of the moment to a charge which the noble Lord the Member for London made against the present Government, which was, "that the Government had unduly diminished the number of Stipendiary Magistrates in Ireland when they ought to have increased them." The answer to that was, that so far from having unduly diminished the number of Stipendiary Magistrates in Ireland, the Government now had a number quite equal to the number appointed at any time during the Government of Lord Normanby and Lord Ebrington, with the exception of the last six months of Lord Ebrington's Administration. That was the charge, and that the answer. And then his right hon. Friend, availing himself of a paper handed to him by his noble Friend the Secretary for Ireland, said, "If you dispute the facts I will show you what the numbers were." The right hon. Gentleman the Member for Taunton said the Appointments were necessary. In 1839, 1840, and 1841, the number of Magistrates varied from fifty-seven to fifty-eight, and at no time was the number higher than fifty-nine or lower than fifty-seven. But in the last six months of Lord Ebrington's Government seven new Magistrates had been added to the Stipendiary force of Ireland. There might be a cause or not for this; but at that time the late Government was boasting of the increased tranquillity of Ireland. Three of these new Appointments were made after the 28th of July *vice* other Magistrates who were appointed to new stations, to Donegal, Ballyshannon, and Tallow. These Appointments were made on the 28th of July, the 6th of August, and the 28th of August. He did not say that the noble Lord, then the Lord Lieutenant of Ireland might not have had perfectly good reasons for the Appointments. [Mr. *M. O'Ferrall:* That is the whole case.] No, it was not the whole case, taken in connexion with this debate. Of those seven new Magistrates thus made in the last six months of Lord Ebrington's Administration three had been made within six weeks of the Government's leaving office, and whilst they were boasting of the tranquillity of Ireland.

Mr. *M. O'Ferrall* said, that the right hon. Baronet the Secretary for the Home Department had been betrayed into a statement which was not borne out by the facts. He asserted that the late Government had appointed a number of Magistrates exceeding the estimate, and that they made those Appointments solely for the purposes of patronage. If the right hon. Gentleman had told the House that he did not mean to convey such an imputation, much of the present discussion might have been spared, but the right hon. Baronet attempted to justify his statement, and it was of that that he complained. Then the noble Lord opposite came to the assistance of his Colleague and told the House that these Magistrates were appointed between the months of June and August, 1841. Now, the returns showed that there were only two, Mr. Savage and Mr. J. Drummond. Besides that Mr. J. Drummond was not a new appointment. The House must see that no Government could venture to leave these situations vacant. No one could say from day to day what might happen. Mr. Croker and Mr. Moore, two gentlemen fully qualified for the office of Magistrates, refused to take out a Commission of the Peace under a Whig Government, and the appointment became, therefore, unavoidable.

Sir *R. Peel* concurred with the right hon. Member for Portsmouth in thinking, as to all Administrations, that though they might have tendered their resignations, they still were entitled to make any appointments which the exigencies of the public service might require; and these

appointments they were undoubtedly entitled to go on making until they were actually superseded by the entrance into office of their successors. It was always the practice to fill up vacancies. Peerages promised by a Minister's predecessors in office had been granted, though no instrument had been signed or sealed on the subject. The moment it was proved that those peerages had really been agreed to by the out-going Minister, he having taken the pleasure of the Crown on the point,—the moment that was proved the Ministers in power agreed to confirm the grant, and thus respected the engagements of their predecessors. Occurrences of this kind constantly took place. But the question now before the House merely arose out of a new appointment, and an hon. Member opposite said, that if his right hon. Friend, the Secretary for the Home Department had candidly admitted that his statement was erroneous the present debate might have been spared. His right hon. Friend admitted everything of which he was convinced. He could make no admissions respecting that of which he was not convinced. The charge against the present Government was, that, for the purpose of reviving the old magisterial authority, they had reduced the number of the Stipendiary Magistrates, and that they had attached undue importance to the re-establishment of the local and unpaid magistracy. To that the answer of his right hon. Friend was complete. It had been clearly shown that no reduction of Stipendiary Magistrates had taken place. In the three years which preceded 1841 there had been seven new appointments, not seven vacancies filled up, but seven new stations created. At one time the number of the magistrates was fifty-nine, and at another sixty-six. That fact the Return showed, and with that Return in his hand no one could deny that seven new stations had been created. He would not say that this or that appointment was wrong or was right; but to this he would call the attention of the House,—that the Stipendiary Magistrates were paid out of the consolidated fund. If proof of the necessity for a Stipendiary Magistrate were required when the parties who were to make application for his appointment were not to pay him, then there could be no doubt that applications urging the necessity of the appointment would come in most numerously signed, and that of the necessity of the appointment there would be offered not only moral, but mathematical proof. He would merely add, that there had not been the least evidence to impugn the statement of his right hon. Friend, and he was fully justified in saying that not only seven magistrates had been appointed, but that seven new stations had been created.

Mr. *Hawes* had heard the original statement with much pain, for he thought that it went to convict Lord Fortescue of what might be called a rank job. The right hon. Baronet might not perhaps have said that seven new magistrates were appointed, but he said what implied as much. The noble Lord, the Member for London, impugned some of the appointments to the magistracy made by the Government, upon which the right hon. Baronet, the Secretary for the Home Department turned round on him and imputed jobbing in those appointments to the late Government. Such a charge was as unfounded as it was unworthy; and he entirely agreed with his hon. Friend, the Member for Kildare that the right hon. Baronet ought not to have made a charge against the late Government which he was not prepared to substantiate. [Sir *J. Graham*—I said nothing about it.] He wished the right hon. Baronet had said nothing about it from the outset. The course he had taken had by no means redounded to his official accuracy. He (Mr. Hawes) admitted that a strong impression had been made on his mind to the prejudice of Lord Fortescue's Government in respect to these appointments, but the result of the debate had been to remove that impression from his mind. Under these circumstances he had felt it his duty to stand up in his place and say that the right hon. Baronet's accusation was not borne out by any fact he had alleged.

Lord *Ebrington*, in reply, said, that the right hon. Baronet the Secretary for the Home Department had proved himself incorrect in every respect. He was incorrect in the number of years. He was incorrect as to the number of magistrates appointed during those years. He was incorrect in his insinuation of motives, and he was also incorrect in his estimates. He had re-insinuated his charges against Lord Fortescue after the disclaimer of his noble Colleague, with what success the House might judge. Had he not done so, he would not have

said another word on the subject after that disclaimer. As the other right hon. Baronet, however, had insinuated that nothing was more easy than to get up requisitions, he could state that no appointment was made by Lord Fortescue except upon requisition, and that in no case was a requisition promoted, either directly or indirectly, by the late Lord-Lieutenant.

Motion agreed to.

House adjourned at a quarter-past one o'clock.

HOUSE OF LORDS,

Thursday, April 18, 1844.

Minutes.] Bills. *Public.*—1ª· Service of Process.

Private.—1ª· Northern Coal Mining Company; Birkenhead Improvement; Dowager Lady Rivers' (or Rigby's) Estate; Figge's Naturalization.

2ª· Liverpool New Gas and Coke Company.

Reported.—Bolton and Preston Railway; Malan's Naturalization; Guildford Junction Railway; Norwich and Brandon Railway; Lancaster and Carlisle Railway.

Petitions Presented. By Lord Kenyon, from Liverpool, and 10 other places, against, and by the Earl of Morley, Bishop of London, and Lord Lyttleton, from Plymouth, and 7 other places, in favour of, the Dissenters Chapels Bill.—From Cork, and several other places, for Legalising Presbyterian and Dissenters Marriages (Ireland).—From Ryton, and 23 other places, for Agricultural Protection.—By Earl Cawdor, from Pembroke, against the Poor Laws, and for Alteration of the Law relating to Tithes.—From Carlisle, and Rochester, against the Union of St. Asaph and Bangor.

Irish Magistracy.—Mr. O'Brien's Case.] The Marquess of *Normanby* said that, before he presented certain petitions, he was anxious to correct a misrepresentation which had gone abroad of what had fallen from him, in a conversation held the other evening with his noble Friend opposite (Lord Wharncliffe), relative to the appointment of Mr. O'Brien. He knew that neither he nor his noble Friend had spoken very audibly; but it was of importance to correct the misunderstanding, as, in consequence of its occurrence, he had been made to say, not only the reverse of what he had said, but to advocate a course the reverse of the line of conduct which he had always pursued. It had appeared, then, that his objection to the transfer of Mr. O'Brien was his not being acquainted with the county to which he had been sent, while his (Lord Normanby's) real objection to it was, that he was too much acquainted with the county. It was, in fact, the county to the Member of which he had written that very remarkable letter which had preceded his appointment.

Law Reform — Process against Debtors Residing Abroad.] Lord *Campbell* begged leave to lay upon their Lordships' Table a Bill for the purpose of allowing Actions to be brought against British Subjects residing Abroad in cases in which the causes of Action had arisen in this country. In bringing forward this Measure he hoped he should not be suspected of any political purpose. Notwithstanding, however, any imputation of the kind which might be cast upon him, he should persevere in his attempts to improve the institutions of the country. When he was a Member of the other House of Parliament, he had brought in a Bill to abolish Imprisonment for Debt, both on *mesne* process and on execution. Parliament had granted, however, but

> ——— "half his prayer,
> The other half dispersed in empty air."

A great improvement had been gained in the prevention of Imprisonment for Debt on *mesne* process, and at the same time greater facility had been given to the Creditor in his remedy against the property of his Debtor. But one circumstance was overlooked at the time these alterations were made, and that was, that when the Law of Arrest was altered, a greater facility was by that means given to fraudulent Debtors to leave the country—to reside Abroad, and thus set their Creditors at defiance. It had been found by experience that the omission in this respect had been taken advantage of in a great degree. It was true that there was a power provided in the Bill by which the Judge could, upon proper application and evidence, issue a warrant against a person *in meditatione fugæ*. But when a person was inclined to run away, he could keep the matter to himself; he would not proclaim his intention by sound of trumpet at Charing-cross, and so he could easily slip abroad, cross the Channel to Boulogne, and live comfortably upon the other side, setting his Creditors at defiance on this. Their Lordships were doubtless aware that no action could be brought in any Court in England unless the process had first been served within the jurisdiction of that Court; and, therefore, if a Debtor got beyond that jurisdiction there was no means of proceeding against him and recovering judgment. A person thus might go abroad, and put himself beyond the reach of any legal process, save the diffi-

cult and precarious one of outlawry, a process which, as his noble and learned Friend on the Woolsack well knew, was frequently set aside on account of informality or other grounds. But even although, being regular, it was in some cases carried into effect, and the personal property of the Debtor was by means of it forfeited to the Crown, yet the Creditor had no remedy and derived no direct advantage from outlawry. He could only derive advantage by the circuitous mode of petitioning the Treasury that a sufficient amount should be set aside out of the sum recovered for the payment of the Debt. But this in practice was found quite an unavailable process. There was another most serious inconvenience to be taken into account—that in the meantime the statute of limitation continued running, and if the Debtor went abroad, and remained there six years, there was no means of recovering the amount owing. True, the Creditor might sue out writs, and have them returned by the Sheriff of Middlesex, but this was always an expensive, and often an useless labour. Under these circumstances it was evident that great abuses were permitted to exist by the present state of the law. Fraudulent Debtors had been much encouraged, and Creditors had been equally wronged. What he proposed by this Bill was, that with the concurrence of the Courts of Westminster Hall, upon the application of a Creditor against a person having a cause of action existing against him, process might be served upon such person in a foreign country, giving him, of course, ample time to make an appearance and enter his defence, if he had any to make; and then, when it should have been proved to the satisfaction of the Court that the process had been duly served abroad, he proposed to allow action to proceed against the Debtor, as if he had been served within the jurisdiction of the Court. This was the purpose of the Bill which he proposed to introduce. To give their Lordships some idea of the degree to which absenteeism had been carried by reason of the defective state of the law, he might refer to some returns made by the French Authorities showing the number of British subjects resident in France on the 1st of January, 1841. In Paris 25,000 persons of that class were resident, in Rouen 5,000, in Marseilles 2,500, in Dieppe 5,000, and in Boulogne 7,000. There were, it appeared, altogether a total of 66,000 British subjects residing in France, while as many as 50,000 were generally in that country travelling or for temporary purposes. He might mention also that the amount of the expenditure of English residents in France was as great as 5,000,000*l.* annually.

The *Lord Chancellor:* But surely all that is not spent by fraudulent Debtors.

Lord *Campbell* would be sorry to say so. There were many respectable men, with their families, settled in France; but still a very considerable portion of the English resident there were persons who had left this country to be enabled to set their Creditors at defiance. At all events, if there were only one hundred such persons resident there, he conceived that the Measure he proposed would be one of public benefit. He should now move that the Bill be read a first time, and printed.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Thursday, April 18, 1844.

MINUTES. BILLS *Public*.—2° Detached Parts of Counties.

Private.—1° York United Gas Light Company (No. 2).

Reported.—Manchester and Leeds Railway (Bury Branch).

3° and passed: — Birkenhead Improvement; Glossop Market; Northern Coal Mining Company; Schuster's Naturalization.

PETITIONS PRESENTED. By Lord Claude Hamilton, and other hon. Members, from Newtown Stewart, and 21 places, for Legalising Presbyterian Marriages)Ireland).—By Sir Philip Egerton, from Chester (3) and Lord J. Manners, from Birmingham, against Union of Sees of St. Asaph and Bangor.—By Lord F. Egerton, and Mr. Fox Maule, from Glasgow (2), and Perth, for Abolition of Tests in Scotch Universities.—From Sunderland, against Tax on Coals for Metropolitan Improvements.—By Lord H. Vane, from Hartlepool, for Repeal of Export Duty on Coals.—By Lord Ossulston, from Northumberland (2), against Repeal of the Corn Laws.—By Lord John Russell, from R. Atkinson, for Repeal of Duty on Linen, and on Tobacco.—From Tea-dealers, for Reduction of Duty on Tea.—By Mr. Ainsworth, from Bolton, for Reduction of Tobacco Duties.—By Mr. F. Baring, and other hon. Members, (19 Petitions) against Charitable Pawn Societies Bill.—By Mr. Ludlow Bruges, from Staverton, and Mr. Mitchell, from Bridport (2), against Factories (No. 2) Bill; and by Lord John Russell, from Bradford, in favour of same.—By Mr. C. Berkeley, Viscount Duncan, and Mr. Ricardo, from Cheltenham, Bath, and the Potteries, against Masters and Servants Bill.—From Ross, for Alteration of Poor Relief Bill.—By Lord Dalmeny, from Inverkeithing, Dunfermline, and Leith, and by Mr. Rutherford, from Leith (2), and Portobello, and by an hon. Member, from Banff, against Prisons (Scotland) Bill.—By Sir Thomas Wilde, from Merchants respecting Carriage of Goods by Railways.—By Mr. Lockhart, from Hamilton. for bettering Condition of Schoolmasters (Scotland).

HOURS OF LABOUR IN FACTORIES.] Lord *Ashley* rose and spoke as follows:—

Perhaps, Sir, it would be convenient were I to take this opportunity of stating to the House the course which I propose to pursue with regard to the Factories Regulation Bill. It was my original intention to have moved an instruction to the Committee, but your opinion has turned me from that course, inasmuch as I learn from you that to move an instruction to the Committee will not be strictly consistent with Parliamentary law; and you also inform me that I should not be able to move the insertion of any Clauses until all the Clauses of the Bill are disposed of in Committee. I therefore give notice that on the third reading of the Factories Regulation Bill I shall move the addition of Clauses to limit the hours of labour, on and after the 1st of October of the present year, for all young persons to eleven hours in each day, or sixty-four in the week, until the 1st of October, 1847; and after that period to impose a further limit to ten in each day, or fifty-eight in the week.

Public Business.] Mr. *Borthwick* said, it was now more than probable, that on Friday, the 26th, the House would have the Factories Bill before it, and he wished to ask the right hon. Baronet whether it would not be, therefore, necessary to postpone the Poor Law Amendment Bill, which stood fixed for that day, according to the arrangement made before Easter.

Sir *J. Graham* was unwilling to disturb the arrangements which fixed before the Easter recess the order of the business throughout the current month. Certainly, according to that arrangement the Poor Law Amendment Bill stood for Committee for Friday, the 26th. The House had heard what his noble Friend the Member for Dorsetshire had proposed. He (Sir James Graham) was anxious to meet the noble Lord's convenience and the convenience of the House, although it could only be done by disturbing the arrangement made before Easter. If the House would consent to the course suggested by his noble Friend, he was disposed to think it might be the most convenient. If that course were assented to, he (Sir James Graham) should be able to answer the question of the hon. Member for Evesham, that the Bill would not come on till after the 6th of May, on which day his right hon. Friend would bring forward the question of the Bank Charter.

Lord *J. Russell* saw no objection to the arrangement proposed. With respect to the Ecclesiastical Courts Bill, he supposed that if the Factories Bill should not take up too long a time on the second reading, the right hon. Gentleman would move the second reading of the Ecclesiastical Courts Bill on Monday. With regard to any arrangement for bringing on the question of Banking on Tuesday, he hoped the right hon. Gentleman would not, as a great many Notices of Motion stood for it.

Sir *R. Peel* said, that the noble Lord would see the position in which he (Sir R. Peel) was placed in consequence of his acquiescing in proposals for the postponement of certain business which had been fixed before Easter. He had intended at that period that the Irish Registration Bill should have been brought forward on Friday next, but in consequence of the request of the right hon. Gentleman opposite (Mr. Wyse) he had agreed to postpone the Bill, on the double ground that it had not been generally circulated throughout Ireland, and that there would not be an attendance of Irish Members sufficient to ensure a full discussion. He gave way solely on these grounds stated by the right hon. Gentleman as the basis of his request, yet erroneous inferences had been drawn from his acquiescence in the proposal, that Government wished to shrink from going on with the Bill, than which nothing could be more unfounded.

Mr. *Wyse* could confirm the accuracy of the statement just made by the right hon. Baronet at the head of the Government. He had not appealed to him for the postponement of the second reading of the Irish Registration Bill on any other grounds. Those grounds he thought amply sufficient, and the right hon. Baronet, on consideration, seemed to be of the same opinion. He had not drawn, in any observations he had made, the inference to which the right hon. Baronet had adverted. He had not ascribed to the Government any intention of shrinking from the Bill.

Subject at an end.

Quarter Sessions in Cities and Boroughs.] Sir *J. Graham* hoped that his hon. Friend the Member for Droitwich would consent to have the Order of the Day for the Committee on the Quarter Sessions, Cities and Boroughs Bill discharged. He had received from the Recorders of several large cities, in which

Quarter Sessions were held, representations to the effect that any legislation on the subject would be inexpedient, and that it would be much better to leave it to the competent authorities. He admitted, that the power of adjournment had lately been exceeded by some of the Recorders, but public attention had been now drawn to the fact, and it was to be hoped that this would be attended with salutary consequences. He was disposed to think that the law, as it now stood, would be more convenient than any alteration.

Mr. *Pakington* said, when he first moved to bring in the Bill, he was impressed with the idea that some measure was necessary, but after what the right hon. Gentleman had stated, he was disposed to think that the matter would be better left in the hands of the authorities. He should therefore move that the Order of the Day be discharged.

Mr. *Hawes* was glad the hon. Gentleman had acceded to the recommendation of the right hon. Baronet, nor would he havespoken now, butfor the statement made by the hon. Gentleman on a former occasion. He was bound to say that the statement of the hon. Gentleman respecting the Recorder of the borough of Worcester was not borne out by the facts of the case. There had been but four instances of adjournment; the first was before the Recorder received his office, the second was by an error of the parties in the case, the third was by consent of the persons interested, and the fourth had been occasioned by the state of public business.

Mr. *Pakington* said he must maintain the accuracy of his former statement regarding the Court of the Recorder of Worcester. The facts of the case were notorious. He had derived his information from official quarters, and he was prepared to prove the perfect accuracy of everything he had stated to the House respecting that Judge's conduct.

Order discharged.

Charitable Pawn Societies Bill.] Mr. *Cowper* moved the Order of the Day for the second reading of the Charitable Pawn Societies Bill.

Dr. *Bowring* suggested, that the better course would be to appoint a Committee of Inquiry into this subject, as great alarm had been created among those whose interests would be affected by this Bill.

Mr. *Gladstone* thought it desirable, in the present state of this question, that the Bill should not be proceeded with. Government were at this moment engaged in collecting information on the subject, and the House would be better able to deal with it when they should be in possession of the results of the inquiry.

Mr. *Cowper* would not persevere with the Bill after what had been stated by the right hon. Gentleman.

Order of the Day discharged.

Agricultural Statistics.] Mr. *M. Gibson* rose to move, pursuant to notice,

"That an humble Address be presented to Her Majesty, representing that in the opinion of this House, it is desirable to obtain authentic information upon all matters connected with the Agriculture of the United Kingdom; that this information is altogether deficient, so that at this time even the extent of land under cultivation and the amount of its produce are subjects only of vague conjecture; that the total absence of all Statistical knowledge in reference to this important subject has at various times proved detrimental to the public interests; and praying Her Majesty to devise measures for supplying to Parliament, from time to time, statements of the breadth of land under cultivation for each species of produce respectively, and the amount of produce derived from the same; together with such information as will exhibit, as far as practicable, a perfect view of the Agricultural capability and production of the United Kingdom."

It would not only be practicable, the hon. Member said, but easy to obtain the information he desired, and it would be useful to the agricultural and commercial classes, and conducive to the welfare of the whole community. It was not necessary for him to say one word on the general advantages of statistical information, not merely to philosophers and political writers, but to practical statesmen. If facts were not within reach, estimates and conjectures were resorted to, and Parliament had already recognised the great utility of collecting facts by the expense often incurred, and the trouble taken to procure them. He might instance the expense and trouble of obtaining the numbers of the people, their wealth to a certain extent, and their general resources. If it were desirable to ascertain such a fact as the numbers of the people, it could not be denied that it was also desirable to ascertain their progress in the various branches of productive industry. If there were any branch of productive industry on which it was more necessary to

obtain accurate statistical information than another, it was Agriculture; and the importance was not merely that of placing within the reach of Parliament certain facts on which legislation might be founded, but it applied directly to the parties immediately interested. There might be many hon. Gentlemen advocates like himself of free trade, who would think that asking for information rather savoured of interference, and unquestionably it might have that tendency; but he begged to remind them that interference had not been prevented by ignorance and uncertainty: if Parliament would insist upon regulating matters of trade by Statute, it was at least more desirable to have facts within reach than to legislate upon mere speculation and conjecture. Having made this remark, by way of parenthesis, he might add that the statistical information he wished to obtain would be valuable to all who were directly concerned in different branches of our national industry: they would thus be in possession of facts peculiarly relating to and affecting their interests, and there could be no doubt that the misemployment of capital and labour had frequently arisen from ignorance and want of information. These arguments applied more particularly to Agriculture; and what he asked the House was, that it should call upon Government to devise measures for supplying Parliament with accurate statements of the quantity of land under cultivation, and the amount of its produce. What would be the result of such information? The problem of proportion between food and population would at once be solved. The people had been numbered, but still there existed no means of knowing the amount of food produced and consumed. The quantity introduced from abroad was partly known, and by carrying the inquiry further, legislators would be able to compare the relative increase of food and population in different years. As he had mentioned the subject of food and population, and did not intend to introduce the question of the Corn Laws, he wished to guard himself against being misunderstood. It might be supposed that he advocated the repeal of the Corn Laws as a sort of contingent measure, and placed his support of a free-trade in corn on the ground that Great Britain did not grow enough for her inhabitants. If she grew ten times as much he should be just as zealous an advocate for free-trade in corn, because he looked upon it as a civil right. He considered freedom of exchange a civil right, that the merchant importer had as good a right to supply the market with Corn by the operations of trade if he could, as the farmer had to supply it by the operations of agriculture, and should deem the information he asked quite as valuable if free-trade in corn were established, as under the present restrictive system. At the same time he could not conceal from himself, that under existing circumstances, the foreign Corn trade being interrupted, the community had a sort of equitable claim to know what was the state of cultivation, and what was the amount of the produce of the soil. He apprehended, that the information he sought would be eminently useful to agriculturists; for if they had the means of knowing the amount of produce at different times in the country they would possess data to enable them to apply with better judgment their skill and labour to cultivation. This information was now utterly wanting, for there did not exist the smallest means of learning what was the extent of land in cultivation, or what was the amount of the chief articles produced. There were geographical and trigonometrical surveys of the country, but nothing which rendered his Motion unnecessary; there was a sort of statement in existence, but what did it amount to? It was made by a Mr. Couling, some twenty years ago, before the Emigration Committee, in the year 1827, but to obtain correct information was a matter much beyond the reach of any individual, or of any local investigation. Many of the most eminent writers upon political economy, upon agricultural science, and upon the social improvement of the people, had regretted the total absence of such information. Mr. Porter, whose name would carry weight with the House, and who had written a work called "The Progress of the Nation," had, on this account, been prevented from giving such an account of the progress of Agriculture as he would otherwise have been able to furnish. Mr. M'Culloch also, another eminent writer, had lamented the total absence of information; and it would not be difficult to multiply the list, nor to point out the evils which the absence of such information produced. It was no small evil to have conflicting statements made through the country on a subject so vital as the relation of the quantity of food to the amount of the population, since such statements were likely to produce a strong effect upon the audiences to whom they were addressed. In this House, resolutions had

been actually passed, founded upon nothing better than conjecture; and to give hon. Members a notion of the manner in which people were misled, owing to their ignorance of the truth on this subject, he would read a short extract from a speech by Lord Essex, made at an Anti-League Meeting, as reported in the *Morning Post.* His Lordship said, that

"The Anti-Corn-Law League had done some good, since it had roused the farmers to stand up in their own defence, and it would no doubt urge them to make further exertions to increase the produce of the soil. He was of opinion that they were not entirely ignorant of the capabilities of the soil; and although the population had nearly doubled, yet, with a small importation of foreign corn they had provided sufficient food for that increased population, and there was every reason for believing that by the improvements that were going on in the science of Agriculture, the Corn Laws would eventually become a dead letter, and that the farmer would be able to sell his corn at such a price, and in such quantity, as would repay him for his labour and capital."

Here was a statement made with the utmost confidence, that the quantity of corn grown would be fully equal to the increased population, and that improvements in Agriculture would soon convert the Corn Laws into a dead letter. Other persons, with different views, entertained very different opinions, and at all events, the direct contradiction established the importance of ascertaining the truth. He would mention another evil arising out of the absence of information, Mr. Porter, in his work "On the Progress of the Nation," noticed a remarkable fact, that on one occasion with a bad harvest and a great deficiency of corn, the price of grain had nevertheless fallen. How had this fall, and the consequent loss to the farmer been produced, but by the want of knowledge of the quantity of corn actually in the country? Mr. Porter alluded to the years 1837 and 1838; the harvest of 1837 was most deficient, and the stock of corn in hand was more nearly exhausted than it had been in the memory of perhaps any man living, and yet a fall in price had occurred, clearly showing that ignorance of the real state of the case had occasioned a heavy loss, first to the farmer, and afterwards to the community, by the sudden rise which followed. This evil would have been entirely avoided if the statistical information he wished to obtain had been accessible. But it had been frequently stated that low prices were caused by the want of power in the consumer to purchase, and sometimes by the quantity of grain in the country; but how could the truth be known in each case without such information as his Motion had in view? It would throw much light on many political questions if an appeal could be made to what had been called the unerring logic of numbers. Take such a distinguished writer as Mr. Tooke; the data in his history of prices were, after all, of necessity to some extent founded upon conjecture; and an eminent agriculturist had written to him (Mr. M. Gibson), stating that prices had sometimes risen when the quantity of grain in the market was greatest, and that they had sometimes fallen when the quantity was smallest—all this from ignorance of facts. He should have no difficulty in finding ample authority for his Motion, and, addressing himself first to landed gentlemen, he would refer them to the Report on agricultural distress in 1816. One of the suggestions made by their own witnesses was, that to prevent the recurrence of distress, a system of Agricultural Statistics ought to be provided; in short, that farmers ought to enjoy as a guide to their operations the same means of information as merchants. Upon this point he had made one or two extracts from the Report, and he might observe that his attention had been directed to it by an excellent pamphlet, afterwards published by the Speaker, who had been Chairman of the Committee. In that pamphlet he found the following remarks:—

"It was impressed upon the Committee that it would be of infinite importance to have accurate statistical information at some of the Government offices, for instance at the Board of Trade, of the quantity of land in each parish employed in grain cultivation, stating the number of acres sown with wheat, barley, and oats, and the probable produce of the next harvest. I fully concur in this opinion; and I conceive that such a plan may be advantageously grafted on the present division of England into parochial unions, and may also be adapted to the Scotch counties, and baronies in Ireland, and that intelligent officers could be found who might furnish this information at a comparatively trifling expense. The publication of these returns periodically in the *London Gazette,* for the information of persons engaged in the corn trade, would tend to lessen speculation, and to regulate the supply according to the demand, thereby reducing those elements of fluctuation in price which are so fatal to the interests of the farmer."

The opinion there so well stated had led him (Mr. Gibson) to look into the evidence itself, and he there found that the hon.

Member for Somersetshire asked Mr. G. Webb Hall,

"What remedies he would propose to meet agricultural depression? (Mr. Hall said in answer amongst other things.) Another thing I would state to be a better system of Agricultural Statistics. We are in the most profound ignorance of the quantities of things. We have calculations which in my opinion are not worth one farthing; and if the machinery of the Poor Law Commissioners might be made conducive to that end, I think Parliament would know the situation of the farmers more conclusively than they do at present."

The right hon. Baronet the Secretary for the Home Department had also put several leading questions to witnesses, and from their character, he (Mr. M. Gibson) should have been led to infer that he was favourable to the establishment of a system of Agricultural Statistics. The subsequent questions and answers by Mr. Saunders appeared in the report:—

"Sir J. Graham: Do you think that it would be desirable to have more accurate statistical information annually furnished to the Government, and published by the Government, with regard to the precise quantites of land sown in the different parishes in England with wheat, barley, and oats?—Mr. Saunders: I cannot conceive a duty more imperative upon the Government than to ascertain the quantity of food that the people are likely to be supplied with.

"Sir J. Graham: Would not such information, accurately obtained, and periodically supplied by the Government, be of equal advantage to the speculator in corn and to the producer of it?—Mr. Saunders: I do not know anything that would tend so much to produce steadiness of price.

"Sir J. Graham: With reference to the question as to its being desirable to have parochial returns of the corn culture of the land within each parish, do you think that such returns could be obtained from Ireland?—Mr. Saunders: Yes, I think I gave sufficient proof of it yesterday.

"Sir J. Graham: Then, if the Legislature were to endeavour to enforce such returns, you think they might be obtained?—Mr. Saunders; I am persuaded they could, and it appears to me strange how Parliament can consent to remain in the dark upon a subject of such great importance; they know nothing about the statistics of corn, perhaps the most important subject of all others."

He might be told that it would be very difficult to obtain the desired information, and that he was asking the House to pledge itself to a wild impracticable scheme, without suggesting any plan for carrying it into execution. He did not think it would become him to suggest a plan: he ought to leave it to the Executive Government, because they knew what facilities they possessed for procuring the information desired, and what means they had in their power, and were necessarily much better able than himself to devise a practicable and efficacious plan for carrying out his proposition. In refraining, he was sure that he was taking a course most likely to harmonize with the feelings of the agricultural interest, because to a certain extent, at least, the present Ministers enjoyed their confidence, and would not be likely to do anything obnoxious to the farmers, or to the landed gentry. He contented himself with calling upon the House to address the Crown, which amounted to no more than asking Ministers to make an attempt to obtain the required information; and he appealed to the right hon. President of the Board of Trade to allow the Motion to pass. It had not been uncommon for Members to move addresses, and for Ministers afterwards to found measures upon them. What he recommended was not impracticable, and in the United States such a system was actually in operation. The Report from the hon. W. H. Ellsworth, the American Commissioner of Patents, dated January, 1843, contained these expressions:—

"The annual Agricultural Statistics, comprising the tabular estimate of the crops for the past year, with accompanying remarks and appendix, will be found subjoined. The value of this document to the whole country, from year to year, it is believed, would justify a much larger appropriation from the Patent Office Fund for this purpose. The diffusion of such information may save millions to the laborious tiller of the soil, besides adding directly to his means of export many millions more."

The tabular statement here referred to, annually laid before Congress, was more extensive than anything he called upon Ministers to procure, and he would follow up what he had just read by a note subjoined to the Report of the Commissioner of Patents, not written by him, but by some other Gentleman who had occupied a seat in the United States Legislature. It was in these terms:—

"We want a system of national legislation for this purpose, that shall be effectual to collect, periodically, in every state of our union, and concentrate to one point, at the seat of the national government, precise, accurate, authentic, and official statistical information upon all the annual results of the hus-

bandman's industry—showing to everybody at all times, as near as human watchfulness can, upon a scale so extended, all the elements of both the demand and the supply of every article of produce that enters into our markets. With information of this description, published and disseminated through the land by Congress, with only half the profusion that partizan documents are spread by each and every party, an entire revolution in the condition and productiveness of the husbandman's labour would be effected. There would be system, certainty, and confidence, pervading the outlays and the income of the husbandman."

He might also be told that the farmers would object to state the amount of their produce, that they would fear future taxation might grow out of it, and that mere statistical information was not the real object of inquiry. On this point he would quote the authority of Mr. Tremenhere, who had procured information from five parishes, and who had published it in a work which was no doubt in the hands of many hon. Gentlemen; he said—

"The inquiries of which the results are embodied in this paper, have been met by the farmers, with a very few exceptions, in a frank and friendly spirit, and a disposition has been rarely evinced to withhold the information solicited. Should the Government ever resolve to institute similar inquiries on a comprehensive and systematic plan, it is believed that although the undertaking might at first encounter poposition and mistrust, suspicions would be gradually allayed and prejudices subdued."

A return he had moved for, and which had been laid upon the Table, showed that the information required could be obtained, and the experiment tried by Mr. P. Thomson, while President of the Board of Trade, when he applied to the Clergy of Bedfordshire, proved that the difficulties were at all events not insurmountable. The authority of the law might be necessary, but it was well known that the quantity of hops grown was ascertained by means of a statute. True it was, that hops were subject to an Excise duty, and that was the reason for the law; but he wanted no Excise duty on home-grown wheat: his simple object was information, and he for one was most strongly opposed to a tax upon home-grown wheat; he disliked the Excise system generally, but to an Excise upon grain he would not consent. He trusted, therefore, that no apprehension of the kind would be felt by the agriculturists, and that Ministers would not resist the Motion. Nothing would be more easy than for the farmers to make returns of the quantities of the different sorts of grain produced by their land, and the extent of land under cultivation. Looking back to some of the advantageous results of obtaining information on other subjects, he could not doubt that important benefits would be produced by the knowledge he proposed to put in the possession of everybody. Objections had been made to taking the Census: it was said that no good would be done by ascertaining the numbers of the people; yet an important advantage had arisen out of it. When Dr. Price wrote his treatise on Annuities, and subsequently, in 1780, he contended that the population of England had been constantly diminishing since the Revolution, and that at the period when he wrote it did not amount to 5,000,000. If the Census had never been established, the public might still have supposed Dr. Price to have been correct in his calculations, whereas the decennial census showed that the population had been constantly and very extensively on the increase. The hon. Gentleman concluded with moving his Resolution.

Mr. *Gladstone* said, that though there were reasons of a practical nature which rendered it inexpedient to accede to the Motion at the present time, yet he was ready fully to admit its extreme importance, and the desirableness of carrying out the object so ably stated by the hon. Gentleman at the earliest possible period. He even thought the hon. Gentleman had in one point not done justice to the advantages to be derived from the establishment of a good system of agricultural statistics, which he was of opinion would be very great indeed. The hon. Gentleman quoted the opinion of the most competent man in the Kingdom to give an opinion, Mr. Saunders of Liverpool, to the effect, that steadiness of price would be materially promoted by a good system of agricultural statistics; but the hon. Gentleman added that he did not himself think any great effects of that kind would be produced. He, however, was of opinion, not indeed that perfect uniformity would be attained, however complete the information might be, but that a great approximation to steadiness of prices would be the result of a good system of agricultural statistics. The hon. Gentleman had fairly stated this question as one of common interest, affecting particularly neither one class nor another, but for the

benefit of all parties. Indeed, if there were any distinction to be drawn, it was more for the benefit of the growers of corn than of any other class; for at present they had nothing to rely upon except statements of the most vague and general description—statements which in many instances did not rest upon an actual examination of the crops, or if upon examination—it was only of a local and partial character, as with corn dealers living in great mercantile cities, they were best able to bear with imperfect information—for inadequate as the means of knowledge were, still the means which were at the command of the corn merchants from their intercommunications with each other, and from their extended connexions all over the country put them on a much superior footing to the farmers in this respect, because the latter were more isolated, and had not the same means of acquiring information as those engaged in commercial transactions. He hoped the hon. Gentleman would readily believe him when he stated that there was an unfeigned anxiety on the part of the Government, that information of this nature should be produced. But there were many who would view with suspicion any legislative attempt to procure the information, and they ought to be very cautious of making demands on private persons to procure information; and it appeared to him that the hon. Genman had framed his Motion on larger terms than the House would think it right to adopt. It was too comprehensive, and was calculated to excite apprehension of an intention of scrutinising private affairs, and of inquiries into matters of account, such as the cost of productions, &c. The terms of the Motion would, therefore, require to be somewhat more limited before the House could adopt it. The hon. Gentleman had referred to the attempt made by the late Lord Sydenham, in 1836, to obtain similar information, but that attempt completely failed, for out of 156 clergymen to whom his queries were addressed twenty-seven only replied. Therefore, considered as an experiment to obtain these particulars from voluntary information, the result was not encouraging. The Government had been axious to obtain this information, had tried several means, but had hitherto failed, from the deficiency of the machinery to which they were enabled to resort. The Government had at one time thought that the labours of the Tithe Commissioners would have gone nigh to supply the desired information, and no doubt much knowledge on the subject was derivable from that source; but there was this very serious disadvantage connected with the Tithe Commission, in this respect that the accounts they might furnish would supply no simultaneous statement of the sowing and the crops throughout the kingdom, which was precisely what was wanted. Their accounts no doubt, would exhibit with very great, with perfect accuracy, the sowing and the crops in different districts, in different years, but this would not answer the purpose. The object to be attained was a full, a comprehensive, and regular statement of the breadth of land sown throughout the kingdom, the crops produced and so on, for the information of those whose business it was watch to the markets. The parochial officers had been thought of, but mature consideration made it tolerably certain that the object was not be attained through their medium. It had, then, appeared to Government, that the most efficient plan would be to seek to obtain the information by the machinery which was under the control of the New Poor Law Commissioners, and communications had been entered into with that Board on the subject. The Commissioners had represented various difficulties of a practical kind, and it remained to be seen whether these could be overcome, or what other plan could be devised. The hon. Gentleman would thus see that the object he desired was also anxiously desired by the Government, and that the only reason why it had not already been carried into effect was, that the matter was surrounded with practical difficulties which the Government was earnestly seeking to obviate. Under these circumstances, he hoped that the hon. Gentleman would consent to withdraw his Motion. If the hon. Gentleman should decide otherwise, it would be his duty to meet it by moving the previous question, as he wished, while declining to accede to it now, for the reasons he had stated, to avoid meeting it with a direct or hostile negative, as the object was one which the Government was most anxious to effect at the earliest practical moment. Whatever course the hon. Gentleman adopted, he could assure him and the House that the Government had been doing everything in their power to secure the object

in view, and that they would not relax in their efforts until it was effected.

Mr. *Christopher* would not prolong the discussion. He thought the object of the Motion most desirable, and did the means exist by which that object could be achieved, he would support it. As far as ascertaining the breadth of land under cultivation, it was comparatively easy, but that was only one part of the hon. Gentleman's object. The most difficult portion of the information was to ascertain exactly the quantity of the produce, and he could not see, at present, any real practical mode of acquiring that information. The quantity of corn reaped even would not suffice, as it afforded no certain indication of the yield when it came to be thrashed, nor of the quantity and quality of the flour that it would produce. It was most desirable for the farmer to know the actual quantity of corn grown in this country, as such knowledge would insure steadiness of prices, which was infinitely more valuable to the agriculturist than fluctuating prices. But to ascertain this there was extreme difficulty. They could not leave it to the farmer to make a return of the quantity which he produced, for it was not for his interest to do so. If in any one or two years he produced four quarters per acre on land which had previously grown but three, he might fear lest his landlord would say, "Your land is more productive than I imagined, and I must therefore raise your rent." The interest of the farmers, therefore, would be to underrate, and to furnish low returns. The only way appeared to be the appointment of public officers, and to send public officers all over the country would be an enormous expense. Representing as he did, a purely agricultural constituency, he could assure the hon. Gentleman that he cordially assented to the object of his Motion, provided only some practical plan could be devised for obtaining accurate information.

Mr. *Brotherton* also thought, that after what had been stated by the right hon. Gentleman, his hon. Friend had better withdraw his Motion.

Mr. *Gibson* was quite ready to withdraw his Motion, on the understanding that Government would use their best endeavours to carry out the object.

Motion withdrawn.

House adjourned at seven o'clock.

HOUSE OF LORDS,

Friday, April 19, 1844.

MINUTES.] BILLS. *Private.*—1ª. Glossop Market.

2ª. Lancaster and Carlisle Railway; Norwich and Brandon Railway; Guildford Junction Railway; Eastern Counties Railway; Rodbard's Name.

Reported. Brandes Burton Enclosure; Edinburgh Poor Assessment; Beccles Navigation; Birmingham Canal Navigation.

3º. and passed:—Bolton and Preston Railway; Malan's Naturalization.

PETITIONS PRESENTED. By Earl of Rosebery, and Bishop of Exeter, from Berwick, and 12 places, against Dissenters Chapels Bill; and by Earls Radnor, and Sefton, Marquess of Normanby, Marquess of Downshire, and Lords Brougham, Sudeley, and Beaumont, from several places, in favour of the same,—From Little Portland Street, London, and 10 places, in favour of same.—By Lord Campbell, from Gortnessy, and other places, for Legalising Dissenters Marriages (Ireland).—From Weem, and other places, against the Repeal of the Test Laws in Scotch Universities.—From Dean and Chapter of Westminster, against Union of Sees of St. Asaph and Bangor.—From Thomas Ford, complaining of Imprisonment.—From Bradford Union, against Poor Laws Amendment Act.—From Ayr, for Enquiry respecting Schoolmasters (Scotland).

DISSENTERS' CHAPELS BILL.] The Bishop of *Exeter* said that he had a number of petitions on the subject of the Dissenters' Chapels Bill to present to the House, from Presbyterian congregations either in this country or in Ireland. The petitioners felt strongly on the subject, because they considered, and considered very justly, that the best interests of religion were involved in it. The petitioners objected to the Bill, and had requested him to support the prayer of their petitions. The impression of his own mind was to do so, but considering the very high authority by which the Bill had been introduced into their Lordships' House, he was anxious to hear further explanation on the subject. He did certainly think that the Bill was open to all the objections which the petitioners had urged against it, but he would not be so rash as to say that he should divide the House. He should wait, and hear what reasons would be urged in favour of the Bill from the same high authority to which he had before alluded, before he gave his opposition to it. On presenting one of the petitions from Ireland, the right rev. Prelate said that it was irregular in the wording of it, because it spoke of "the Presbyterian Church of Ireland;" if the petition came from Scotland it would have been quite regular so to describe the Presbyterians of that country, as being members of that Presbyterian Church, but in Ireland there was no such recognised Church. It was contrary to a Canon to recognise any other Church in

Ireland and in England except the Established Church,

Lord *Campbell* said, as the right rev. Prelate had been good enough to except his (Lord Campbell's) country from the operation of the Canon to which he had alluded, he (Lord Campbell) had not a word to say on that point, but he was anxious to know from the right rev. Prelate what was the date of the Canon, and whether it had been confirmed by Parliament?

The Bishop of *Exeter* said, he was quite ready to state, in answer to the question of the noble and learned Lord, that the date of the Canon was 1603 as regarded England, and in Ireland it was dated some thirty years afterwards. It was not his intention to go into a consideration of the question, whether it was binding on the laity in a court of justice —their Lordships' House was not, in the first instance, a court of justice, but only became so on appeal from a decision pronounced in one of the Courts of Westminster Hall—but this he would say, that the Canon was equally binding upon the consciences of the laity who were members of the Established Church, and the parties who infringed it were liable to penalties, or rather censure, on the part of the Church.

Petitions laid on the Table.

House adjourned.

HOUSE OF COMMONS,

Friday, April 19, 1844.

Minutes.] Bills. *Public.* 2°. Municipal Corporations (Ireland); Damage by Fire (Metropolis, No. 2).

Private.—1°. Manchester Royal Infirmary; Malan's Naturalization.

Petitions Presented. By Mr. Thomas Bateson, and other hon. Members, from Gotnessy, and other places, for Legalising Presbyterian Marriages.—By Mr. Gill, from Wesleyan Society, for Exempting Dissenting Ministers from Sunday Tolls.—By Mr. Christopher, from 29 places in Lincolnshire, by Mr. Broadley, from York, (2) and Mr. Liddell, from Whitburn, against Repeal of the Corn Laws.—By Mr. Dennistoun, from Glasgow, for Equalization of Import Duties.—By Mr. M. Gibson, from Manchester, for Reduction of Duties on Tea and Sugar. —By Mr. P. Howard, for Reduction of Duty on Tea.—By Mr. Hume, from Northamptonshire (8), for Reduction of Duty on Tobacco.—By Mr. Bright, from Durham, etc., for Reduction of Duty on Wool.—By Mr. Dennistoun, and other hon. Members, from several places, against Charitable Pawn Societies.—By Mr. W. Patten, from Rochdale, against County Courts Bill.—By Dr. Nicholl, from W. J. Watson, for a National System of Education (Ireland).—Lord Ashley, (13 Petitions) against Factories (No. 2) Bill.—By Mr. Richards. from Merionethshire, and Mr. Wynne, from Cardigan, for Establishment of Local Courts.—By Mr. Thomas Duncombe, (29 Petitions), Mr. Ferrand (3 Petitions), and by other hon. Members, against Masters and Servants Bill.—By Mr. E. Ellice, from Falkland, and 5 places, and by Mr. Dennistoun, from Glasgow, against Prisons (Scotland) Bill.—From Hull, against Railway Companies running Steam Boats.—By Mr. Duncombe, from Thomas King, for Inquiry.

Case of Mary Furley.] Mr. *Bright* seeing the right hon. Baronet the Secretary of State for the Home Department in his place, was anxious to call his attention to a subject that had excited the greatest interest within the last few days. He alluded to the conviction of an unfortunate female, who was tried for the murder of her infant child under very peculiar circumstances. He had no wish to ask the right hon. Baronet to give him any distinct answer at this moment to his inquiry, but from the nature of the case he thought that the result was somewhat extraordinary. He had received an application from the country with respect to it. If he understood the circumstances connected with this unhappy woman correctly, it appeared that she threw herself into the water with her child in her arms (being at the time in a state of the most appalling destitution), apparently with an intention to commit suicide, and not wishing to leave the child alive after her, she took it with her. She, however, was taken out of the water, but the child was drowned. For this she was recently tried, and being found guilty, was sentenced to death. In the report of the case which he had seen, it was stated that the learned judge, in passing sentence upon her, gave her no hope of any commutation of her sentence. Now he thought that such a statement required no comment, and he should make none. He would merely ask whether the right hon. Gentleman had directed his attention to the particulars of this case, as he thought that public feeling would be greatly outraged by carrying into effect a sentence that was so utterly opposed to the jurisprudence of this country. He merely mentioned the subject now, that the attention of the right hon. Baronet might be called to it.

Sir *J. Graham* said the House would feel that it was not consistent with his duty to enter into a discussion upon this subject. In point of fact, however, his attention had not been called to the matter until the present moment. In the very delicate duty which would devolve upon him (Sir J. Graham), the hon. Gentleman might rest assured he would do his best to exercise a sound and dispassionate

judgment; but beyond this he could not then say anything, as the House must be aware of the inconvenience attending such discussions.

PRESBYTERIAN MARRIAGES (IRELAND).] Mr. *Ross* said, that the right hon. Gentleman opposite was, doubtless, aware that great excitement had been occasioned in Ireland by certain recent decisions of the court of law and the House of Lords on the subject of Presbyterian Marriages. He wished to ask the right hon. Gentleman if it was the intention of the Government to introduce any measure to legalise marriages celebrated by clergymen of the Presbyterian persuasion—marriages which had been, for the last two centuries, supposed to be perfectly legal.

Sir *James Graham:* The state of the law as to Presbyterian Marriages, connected with the recent decision of the House of Lords, was now under the consideration of a Committee of that House. He had reason to know that the subject had been there fully considered, and that a Bill, emanating from that Committee, would very shortly be brought into the other House.

RULES OF THE HOUSE—FACTORIES BILL.] Mr. *Roebuck* gave notice that on the Motion that the House do resolve itself into Committee on the Factories Bill, he should move that it be an instruction to the Committee that they should not entertain any proposition for limiting the hours of labour of persons above eighteen years of age.

Lord *Ashley* asked whether it were the opinion of the right hon. Gentleman in the Chair, that the instruction of which the hon. and learned Member for Bath had just given notice, could be moved consistently with the forms of the House.

The *Speaker* said, he thought the Motion which the hon. and learned Gentleman proposed to make was open to the same objection as that which the noble Lord had proposed. The rule of the House was simply this, that no person could move an instruction to a Committee to do that which could be done without an instruction. If the proposition of the hon. Member was within the scope and title of the Bill, it was quite competent for him to introduce it in Committee, either by moving an Amendment to some Clause now in the Bill, or by a new Clause, and then it would not be competent for the hon. and learned Member to move an instruction for that purpose.

Mr. *Roebuck* said, he had considered that point, and he took the rule of the House to be, that no instruction could affirm the powers of the Committee, but that it might restrict or extend those powers. His purpose was to restrict the powers of the Committee, and he conceived, with all deference and submission to the opinion of the right hon. Gentleman, that it was perfectly competent for him to move the instruction of which he had given notice.

Sir *J. Graham* would submit, that the object of an instruction to the Committee was not to direct that Committee to do anything, or omit to do anything, but only to give the Committee power to do something which otherwise they would not be competent to do. If it were competent to them to do anything, or to omit to do anything, without an instruction, then he submitted that the instruction not being necessary, was unparliamentary. The single question was, whether the object sought for by the hon. Member for Bath could be attained without an instruction. If it could be, he would submit that the instruction was unnecessary and unparliamentary.

Mr. *Roebuck* said, he certainly could not attain his object without an instruction. His object was to prevent the Committee from entertaining the question of restricting the hours of labour, and he could not attain it without a previous instruction.

The *Speaker* said, it would be for the general convenience of the House that this matter should not be further debated upon a hypothetical case. He had endeavoured to explain to the House what he took to be the rule. It was better not to prolong the debate on a point of order. The question would more properly arise when the hon. and learned Member moved his instruction.—Subject at an end.

On the Order of the Day for the House to go into Committee of Supply having been moved,

BOROUGH of HORSHAM.] Mr. *Tufnell* wished to know why the writ for Horsham had not been moved for when the writs for the other vacancies were. A vacancy in the Representation ought always to be filled up without delay.

Sir *T. Fremantle* said, he was not called

upon to explain why the vacancy for this Borough had not been filled up. He believed, however, from communications which he had had with the noble Lord (Lord Abinger), who had been a Member of that House, that the Writ had been delayed for the obvious reason that the Writ of Summons to the House of Lords had not been received. The House could not, of course, issue a new Writ till then.

Lord *J. Russell* said, the hon. Gentleman, the Secretary for the Treasury, asserted, that he had no knowledge on this subject, and he was not answerable for what the Government took no particular interest in. The Government ought to feel an interest wherever injury was done, and there was no greater injury to the public than when a Borough was left without its Representative. It was notorious that no one could sit as a Member there when he had become a Member of the other House. The House had declared, that to prevent any mistake, they would require that the Writ of Summons should be issued to every such person, in order to give sufficient proof that the Seat was vacant, but if a person who was a Member did not choose to apply for that Writ of Summons, or if it was not granted, it would appear that the Seat might be kept vacant, and the people would be deprived of a Representative. The non-issuing of the Writ in question might arise from some delay or neglect, but if continued for more than a few days, it might be necessary to bring it before the House as a question of privilege, in order to see what remedy might be applicable to the case.

Subject at an end.

Order of the Day read on the question that the Speaker do leave the Chair.

Timber in the Dock Yards.] Sir *C. Napier* said, he wished to put some questions to the Secretary for the Admiralty. A return had been laid before the House, in February last, of the quantity of timber received in the various dock-yards from 1823 to 1841, some matters in which seemed greatly to want explanation. It appeared that during that time, no less a quantity than 274,113 loads of timber had been received at the dock-yards by private contract, while the quantity supplied by public contract was only 56,035. It was usual, when Timber was received in the Dock-yards, to have it examined by the Surveying Officer, to see whether it was sound, and instances had occurred, when timber was rejected by the Surveying Officer of an order being sent down, not from the Admiralty, but from the Storekeeper General, to receive the Timber at reduced prices. If the Storekeeper General had the right to order Timber to be received which had been rejected by the Dock-yard, he did not know what limit there could be to the abuses such a plan would be likely to generate. Under the present system, the Surveyor General did not know either where the Timber had been cut, or how long it had been cut before being brought to the Dock-yard. It could be no matter of surprise, when such a state of things existed, that British ships of war should so frequently and so suddenly require repairs. He had received an interesting statement as to the force of the French navy, which he would read to the House, and which would show how imperfectly protected the great commerce and interests of this country were under our present naval establishment. In the Levant the French had two 80-gun ships, one 52, one 24, three of 10, 16, and 20, and two steamers. On the Brazil station they had two frigates of 40 and 52, two corvettes of 20 and 28, and several brigs and steam-boats. In the Pacific they had one frigate of 60, two of 50, one of 40, two of 30, two corvettes of 20 and 24, and two steamers. In the Indian seas, two 50-gun frigates, two of 30, two of 24, and a steamer. In the West Indies they had one 50-gun frigate, five corvettes of 20 and 24 guns, two gun-brigs, with a great number of smaller cruisers. On the west coast of Africa they had one corvette of 20 guns, and one of 16, with ten smaller vessels and store ships, and two steam-boats. In Oceana and New Zealand, one ship of 30 guns, and several transports. This was their principal strength on foreign stations, but in addition to this, they had an immense force in their home ports. At Toulon, they had a squadron composed of one ship of 120 guns; one of 109, two of 90, one of 60, one of 50, besides steamers. At Brest, there were one ship of 86 guns, one of 80, one of 52, one of 38, and one of 20. In addition to these, there were, *en disponibilité*, as it was termed, three ships of 120 guns, one of 100, two of 86, four of 80, and one of 50; and in ordinary or building, fourteen ships of 100 and 120 guns, nine of 90,

six of 60, seven of 50, and six of 40. There were five steam frigates of 540 and 450 horse power in preparation; six of 320, and six of 200 or 220, without including those of lesser force. When he saw such a large force at Toulon ready to put to sea at any moment, it seemed to him extraordinary that Great Britain had not a single ship in her ports in a state to meet an enemy. The right hon. Baronet at the head of the Government, on a former night, had jocosely recommended the noble Lord (Lord J. Russell) to take the command of the Channel fleet; but he (Sir C. Napier) would like to know where was the Channel fleet for the noble Lord to command? Where was the exercise squadron to be found? Four years ago, in France, 170,000,000f. had been voted for the navy, and this year 4,000,000f. more had been applied to the same service, and he begged to direct the attention of Ministers to that fact. At the present moment the Revenue of this country exceeded the expenditure by about 2,000,000*l.* sterling, so that it would not be difficult to find funds to apply to the equiqment and efficiency of our Navy, and he could hardly too often repeat the statement, that while France had so large a disposable force ready for sea, Great Britain had not a single vessel in a condition to meet an enemy. He moved as an Amendment that there be laid before the House a return of the quantity of timber rejected by the surveyors of dock-yards, which had afterwards been received; and for return of the number of official letters signed by subordinate officers.

Mr. *S. Herbert* complained that the hon. and gallant Officer, instead of merely putting a question, had gone into details respecting the naval services of different countries, particularly of England. He had not the slightest hesitation in giving all the explanation in his power. When large contracts for timber, such as 14,000 loads, were made, some of it was found not strictly to come within the terms; it was, perhaps, a foot too short, or a little too small, but at the same time excellent timber, and this, if it were needed, was sometimes taken at a reduced price. Not a single case had occurred since he had filled the post he had the honour to hold, in which it had not been made the subject of grave deliberation. Both the present Board of Admiralty and the last had done their best to break through the system of monopoly, and to substitute competition; but the timber merchants had thrown much difficulty in the way of a change. As to the observations of the hon. and gallant Officer on the state of the French navy. It did not become countries in firm amity to be continually distrustfully watching each other, and the present Government had done what was due to economy on the one hand, and to efficiency on the other.

Amendment negatived. Main Question again put.

STIPENDIARY MAGISTRATES (IRELAND).] Mr. *Bellew* rose to call the attention of the House to the appointment of certain Stipendiary Magistrates in Ireland. He observed that he was by no means opposed to the system of appointing Stipendiary Magistrates, and he admitted that they tended to promote tranquillity. He regretted even that they were not more numerous, and that they did not attend every Sessions, since on many accounts they had important advantages over the local magistracy. He complained however of the appointments of Mr. Brereton and Mr. O'Brien. With respect to the former, he was appointed, against the ordinary rule, for a district with which he was connected, and the Judge at the late Nenagh assizes had made severe comments on his conduct, in taking, if not entrapping a prisoner. The learned Judge then charged the Jury, and in commenting on the omissions in the informations, declared that he felt it to be his duty to say from the Bench, that Mr. Brereton did not do his duty, did not fulfil the obligations cast upon him by the Statute, and said, that particularly since the passing of the Prisoners' Counsel Bill, it was the bounden duty of Magistrates — a duty to which they were sworn—to give in their depositions a full, clear statement of the witness's story, and not curtail or abridge it in any material point. This, he again repeated, Mr. Brereton had not done, but had, in this case, clearly violated the law. With respect to Mr. O'Brien, he was in 1840, a flaming Repealer, and refused to give the health of Lord Fortescue at a public dinner at Ballinasloe, on account of his Lordship's opinions not coinciding with his on the subject, and he wrote as follows in a letter to Mr. Dillon Browne, asking him to attend the dinner;—"Your

friend and warm admirer, O'Connell, keeping his eye upon the falling sands of life's hour-glass, is terribly in earnest, and performs wonders under the pressure of advancing years." This was 1840. In 1841 he continues his unqualified admiration of Mr. O'Connell, and pronounces the most fulsome panegyric upon him in September that year. In the very next month, October, he speaks of the hon. Gentleman thus:—"A Repealer is a rebel, drilled by an old lawyer instead of a soldier. His stony eye has no moisture for affliction. He is an unnatural being, who lives in an inverted order of things." And from that time up to a very few months before his appointment, he kept writing letters in the newspapers, with his name attached, in which he described Mr. O'Connell as the publisher of a bloody manual, the raiser of a howl like the night-call of the hyæna, a monster, a cunning impostor, a rebel, a person to grace a gibbet. And of the priests, he says, when Mr. O'Connell declined an armed rising of the people, the reverend gentlemen were most woefully disappointed. This was the gentleman whom the present Government had appointed to office, and he asked whether it were calculated to inspire confidence in the administration of justice on the part of the peasantry, or respect on the part of any one. He deemed the appointment an immoral public act, and in the eyes of the people of Ireland it was on account of his abuse of Mr. O'Connell that this gentleman was appointed, who had no peculiar qualification or merits, and who had refused to give the health of Lord Ebrington. He mentioned the case there to call to it the attention of the right hon. Gentleman at the head of Her Majesty's Government.

Lord *Eliot* said, with regard to Mr. Brereton, he was a Magistrate of the county of Tipperary, in the year 1837; he was then appointed baronial collector, on which occasion he received a very complimentary address from the magistrates with whom he had acted. Besides which 103 most respectable inhabitants of Nenagh had recommended him to the Government for appointment; and the Lord Lieutenant, not having any personal interest in him, had concurred in that recommendation. This was a *prima facie* case in favour of his appointment. He agreed that it was not generally the rule to appoint parties connected with any particular district; but although Mr. Brereton resided in the neighbourhood of his own property, he was not allowed, as some had been, to reside in his own house. The House would excuse him for entering into the facts which appeared at the last assizes, for the Government had referred them to the Lord Chancellor for advice. With respect to Mr. O'Brien, he did not stand up to defend the foolish letter to which the hon. Gentleman had adverted; but it was written four years ago, when Mr. O'Brien was only twenty-four years of age. He was now twenty-eight, and it ought not, in his opinion, to form a permanent disqualification. Mr. O'Brien was of an old family, of an independent property, and had been brought up to the bar, though not called, and had received a legal education. The charge had not been brought forward in any tangible manner to be dealt with. Mr. O'Brien denied that he had refused to give the health of Lord Ebrington, and if that Nobleman's name had been expunged from the list of toasts it had been by the stewards, and not by him. He admitted, that when a young man, he had been possessed with the notion, that the prosperity of Ireland would be produced by a local Legislature, but he began to suspect the motives of the leading members of the Association, his eyes were opened, when he found them seeking for foreign aid, and received communications from America and distant parts. In a letter to Mr. Ray, the Secretary of the Repeal Association, written in October, 1841, he ceased to be a member of that Association, saying that it now became the duty of any one exercising his reason to be the slave of no faction or no man, but boldly to come forward and sever himself from their body; and, at the same time, he wrote a letter, with some hyperbolical expressions, to Mr. Steele. This course Mr. O'Brien had pursued for upwards of two years, and it was not till November, 1843, that he was recommended to his noble Friend, the Lord Lieutenant by several respectable persons, who vouched for his ability, integrity, and honour. On those recommendations Mr. O'Brien had been appointed Stipendiary Magistrate. Of course his continuance in such a post must depend upon his future conduct and the nature of his qualifications, but he had done nothing yet to forfeit the confidence of the Government. If he want-

ed a precedent for the appointment to office of a person who had been a Repealer, he might advert to the case of Mr. Nicholas Fitzsimon, who was for many years a Repealer. He came into that House in 1832; he remained in Parliament as a Repealer, or without avowing any change up to 1841, when he was appointed to office by the late Government. The Government was attacked for that appointment by the *Monitor*, a a Liberal, but not a Repeal Paper; and in a letter then written, Mr. Fitzsimon said, that he had changed, and that he no longer entertained opinions favourable to Repeal. Still he held his Seat, the world generally believing that he was a Repealer; and, therefore, the mere fact that a man had been a Repealer, was not a disqualification for office. All the inquiries he had made with respect to Mr. O'Brien, and the statements which had been placed in his hands, showed that he was a man of honour, and capable of discharging his duties; but if the hopes formed of him should be disappointed, or if he should display any bias to any party, it would be the duty of the Government to remove him. Further than this he could not promise.

Captain *Bernal* was free to admit that the explanation of the noble Lord, with regard to the first appointment alluded to, was satisfactory, as far as it went. Mr. Brereton's folly rather savoured of Orange notions; but as there was to be further investigation into this reapitcular case, h would not say more of it now. But, however satisfactory the explanation as to Mr. Brereton might be, that with respect to Mr. O'Brien, was equally unsatisfactory. The juvenile *protege* of the noble Lord was only twenty-four when he wrote one hyperbolical letter, but he was twenty eight when he wrote the other hyperbolical letter. The only difference was, that he wrote it on the other side in language, equally violent. The noble Lord's *protege* now had his eyes open — he had been unmesmerised by being appointed to office. He believed, however, that there were some other facts connected with the case. When Mr. O'Connell was Lord Mayor of Dublin, Mr. O'Brien had been brought up before him. Not having the wherewith to pay his servant, he was brought before the Lord Mayor's Court. He denied the jurisdiction of the Court, being a Kerry man. Mr. O'Connell gave judgment against him, and he believed that his eyes were opened against that judgment. He then turned round, and used his hyperbolical language in writing against, not for Repeal. He was not aware whether he was rewarded on this account, but if so, he considered it most improper for the Government to hold out a premium for desertion, which was a most immoral course. He did not say that this was the case; he believed that the right hon. Baronet at the head of the Government was anxious to do justice, but he agreed with his hon. Friend, the Member for Bath, that it was impossible justice could be done for Ireland whilst the right hon. Baronet had such subordinates there. He had had some experience in Irish matters, and he was convinced that whilst the right hon. Baronet had the weight of such subordinates round his neck, they would sink the Government. The rumour ran, and it never had been contradicted till that night, that Mr. O'Brien had himself struck out the name of Lord Ebrington from the list of toasts, because he had expressed an opinion opposed to Repeal. Mr. Brereton had been recommended to the Government by the Lord Lieutenant of the County, and 103 gentlemen of the town, where he had acted. He would venture to say, that Mr. O'Brien had not been similarly recommended; he believed that Mr. O'Brien's property was of a very Irish description, and he did not think him a man who was recommended by the Lord Lieutenant of his county. The office required temperance, firmness, and discretion in a supereminent degree, and how did those qualities apply to Mr. O'Brien's appointment, who wrote those hyperbolical letters? Was the propriety of the appointment a question of letter writing? Did the Government expect such a writer to administer justice with temper and discretion? He said that they would not. At first he was sent to Nenagh, where temper and discretion were peculiarly necessary: he had since been removed to another place. Where Mr. O'Brien was now, he was not prepared to say; he believed, however, he was sent to his friend Mr. Dillon Brown, in Mayo, with whom he first commenced his career of letter writing. He admitted the sincerity of the noble Lord, but he must say, that the Irish Government required supervision. It was to be regretted that such appointments were

made by Lord de Grey, who, he was sorry to say, was not in a good state of health, and it was said, there were many avenues open to his ear which delicacy prevented him from enlarging farther upon; it was, however, reported in Ireland that the Lord Lieutenant was influenced by those relations he had formed by marriage in a manner which caused a feeling of great dissatisfaction against the Irish Government. The appointment which had been alluded to, it could not be denied, had caused very general complaint in Ireland. He would not then allude to the Tipperary trials, as he understood his hon. Friend, the Member for Waterford, was about to bring that subject before the House; and he would only, in conclusion, repeat that he believed the appointment of Mr. O'Brien a most improper and unwise proceeding.

Subject at an end.

Expense of Colonial Establishments.] Question that the Speaker do now leave the chair again put.

Mr. *Hume* wished to make a few observations on the amount of "379,651*l.* for Colonial, Consular, and other Foreign Services." Since the late Acts of Parliament regulating the Colonies, and the abolition of Slavery, they (the Colonies) were placed on a different footing. Formerly when an observation was made on the great amount of the charge for supporting the Colonies, they were told that the peculiar situation of the Slave population required it; but now as the Tariff was altered, and Slavery abolished, it surely was not necessary to keep up so expensive an establishment. The whole system on which our Colonial affairs were managed was bad, and required amendment. It was no use for any person, or body of persons, however reputable to send home any complaint from any of our Colonies, for the ears of the Government were closed against all communications that did not come to them direct through the Governor of the Colony. This ought not to be the case, for it was through private channels that the real grievances could alone be fairly communicated, for new Colonies required the most vigilant attention to prevent the ruin of those who had emigrated to them. There was the Colony of New Zealand. Upwards of 10,000 persons had been induced by the Company to emigrate to that Settlement and buy land, and what was their present condition and prospects? He hoped a strict inquiry would be instituted into the whole of this case before the expiration of the present Session. The strictest economy was now become necessary, and ought to be enforced by Parliament into the whole expenditure of the country both at home and abroad; and he felt quite sure that if the whole were submitted to a Committee of any twelve Gentlemen on either side of the House at the beginning of the Session, a reduction of the expenditure of the country might be made, without the slightest detriment, of from two to three millions. Then see what relief this saving would give to the people. It would enable the Government to take off the Excise Duty on Soap, Paper, and Glass, and with our resources for the manufacture of those articles, would enable us to excel all the countries of the world. He did not mean to say that the Government were indisposed to relieve the people from the pressure of those duties, but they were so besieged by their supporters that they could not do as they wished. He thought it his duty to call the attention of the Government to this subject, and especially to the Colonial Estimates, many items of which he entirely disapproved of, and required the fullest explanation before he could agree to.

Lord *Stanley* was anxious to give the fullest explanation with regard to any Estimate the hon. Gentleman might allude to, and he could assure the hon. Gentleman that the Colonial Office was desirous of being as economical as possible. There were very few items introduced in these Estimates which had not been sanctioned by the House before in previous years. With regard to an observation made by the hon. Gentleman, he begged to say that it was the rule of the Colonial Office that, whatever complaint was made, it should come through the Governor, but it was the bounden duty of the Governor to forward to the Secretary of State, every application which might be made, with such observations upon it as he, being the recognised authority, felt it necessary should accompany such statements. It would be impossible that the Colonial Office could receive accusations from persons without giving the Governor the opportunity of answering them; and much time would be saved by requiring the Governor to accompany any

complaint with his own observations, rather than it should be first received at the Colonial Office, and referred back to him for explanation; but every person in any Colony was fully at liberty to make any complaint to the Secretary of State, and no Governor had a right to withhold it. He could not understand the hon. Gentleman as meaning to say that a Gentleman holding the important situation of Governor of a Colony should not have an opportunity of explaining his own views upon any charge which might be sent by a colonist to the Colonial Secretary. The hon. Gentleman had stated that it was difficult to carry on the Government of a Colony where there were two authorities independent of each other, and each party, but neither wholly responsible. He did not think it would be desirable to enter on a discussion of the affairs of the Colony of New Zealand at the present moment. It was very probable from what he had recently heard, that the affairs of the New Zealand Company might come before Parliament before the end of the present Session, and he would then readily give the fullest explanation of the whole of the circumstances; but he agreed with the hon. Gentleman in the difficulty arising from two parties possessing authority in a Colony.

Mr. *Aglionby* said, that as the Colony of New Zealand had been referred to, he must say a word or two on the subject. With reference to the New Zealand Company, most of the Gentlemen who formed themselves into that Company, did so with a view to the public good, and not for pecuniary benefit. He would not say, being himself concerned, how far they had well or ill-conducted the concerns of that Company. The hon. Member for Montrose said that they had incurred a great responsibility by having sent out 10,000 persons to that Colony, whose hopes, the hon. Member added, had not been realised. He agreed with the hon. Member that they had incurred a great responsibility, and he could only say he hailed with delight the remark made by the noble Lord opposite, that an opportunity would be given of discussing the affairs, not only of the New Zealand Company, but the whole affairs of the Colony, which must terminate in a Committee, by which every proceeding, he hoped, would be investigated, with a view to the security of the public. A mere discussion would not satisfy the public, and he therefore took it for granted that the noble Lord meant that it would end in a Committee, and as the affairs of New Zealand would shortly come before the House, he called upon the right hon. Baronet at the head of her Majesty's Government to bear in mind that he (Mr. Aglionby) was now stating on behalf of the Company that he thought it was due no less to them than to the public that there should be a strict Parliamentary inquiry into every portion of their conduct. It never could be tolerated that a Company should have taken upon themselves such vast powers, without having every motive and action investigated. The noble Lord had spoken of two different authorities, but he did not know that the New Zealand Company had ever usurped authority due to the Government. The Company was formed after an unsuccessful application to Parliament, a Bill being brought in by Mr. Baring for Colonising the Island, which was thrown out. A Company was then formed to save the island from going into the possession of other Powers; it had that effect, and the island now belonged to the British Crown, but he totally disclaimed any wish to set up an authority against the Government; all they desired was to be let alone, and he wished to heaven they had been. The hon. and learned Gentleman then alluded to the productions of the island, and the excellence of its climate, and concluded by expressing a hope that an inquiry would soon be instituted by a Committee of the House, or a Committee into the whole affairs of the country.

Lord *Stanley* explained that he sedulously refrained from expressing any opinion whatever, but merely stated that from the knowledge of the Company, and the affairs of New Zealand, that it was probable an inquiry would take place. He threw out no remark other than the observations of the hon. Member for Montrose called for, that the affairs of the country could not be well administered by two parties possessing authority; and he certainly was anxious that an inquiry should take place.

Mr. *Mangles* said, that whenever the House went into the searching investigation which had been alluded to, it would be found that so far from the Company having been a source of expense to the Government, they had not only paid all the expenses of the paltry establishment

which had been allowed, but had contributed largely from their resources, and the pockets of the settlers sent out by the Company, to the proper Government.

Mr. *W. Williams* complained that this country was charged with the amount of the Civil Government of the colonies, which should fall upon the colonies themselves. He most strongly objected to the payment of 130 Colonial Magistrates in the West Indian Colonies, as the negro inhabitants of these places were well able to pay their expenses. He complained also, that 11,300*l.* should be voted to pay the Clergy in Canada, and above all, since the Crown had surrendered all its rights over the lands of that colony to the Colonial Assembly.

Subject at an end.

Supply—St. Helena.] House in Committee on the question, that 13,500*l.* be granted, to defray the charge of the Civil Establishment at St. Helena.

Mr. *Hume* said, the items under this head were pefectly preposterous. The vote was by 2,000*l.* larger than that of last year, and he should move that the vote be postponed; at any rate until more satisfactory information on the subject was obtained.

Sir *G. Clerk* defended the vote. The charge under this head had been considerably reduced of late years.

The Committee divided on the question —Ayes 68; Noes 23: Majority 45.

List of the Ayes.

Allix, J. P.	Forbes, W.
Antrobus, E.	Forman, T. S.
Arkwright, G.	Gaskell, J. Milnes
Baird, W.	Gladstone, rt. hn. W. E.
Baring, hn. W. B.	Gladstone, Capt.
Bentinck, Lord G.	Godson, R.
Blakemore, R.	Graham, rt. hn. Sir J.
Boldero, H. G.	Greenall, P.
Borthwick, P.	Hardinge, rt. hn. Sir H.
Botfield, B.	Harris, hon. E. A. J.
Bruce, Lord E.	Hayes, Sir E.
Chapman, A.	Heathcote, Sir W.
Chelsea, Visct.	Hodgson, R.
Clerk, Sir G.	Hope, hon. C.
Clive, hon. R. H.	Hughes, W. B.
Coote, Sir C. H.	Jermyn, Earl
Corry, rt. hn. H.	Kemble, H.
Cripps, W.	Knatchbull, rt. hn. Sir E.
Dickinson, F. H.	Lincoln, Earl of
Douglas, Sir H.	Lockhart, W.
Douglas, Sir C. E.	McNeill, D.
East, J. B.	Masterman, J.
Eliot, Lord	Meynell, Capt.
Flower, Sir J.	Neville, R.
Nicholl, rt. hon. J.	Sutton, hon. H. M.
O'Brien, A. S.	Trench, Sir F. W.
Peel, J.	Trevor, hon. G. R.
Plumptre, J. P.	Trotter, J.
Pringle, A.	Wellesley, Lord C.
Rashleigh, W.	Wood, Col.
Rous, hon. Capt.	Wyndham, Col. C.
Sanderson, R.	Young, J.
Somerset, Lord G.	
Stanley, Lord	TELLERS.
Staunton, Sir G. T.	Fremantle, Sir T.
Stewart, J.	Baring, H.

List of the Noes.

Aglionby, H. A.	Horsman, E.
Aldam, W.	Marsland, H.
Baring, rt. hn. F. T.	Napier, Sir C.
Bowring, D.	O'Connor, Don
Brotherton, J.	O'Ferrall, R. M.
Browne, hon. W.	Plumridge, Capt.
Busfeild, W.	Tancred, H. W.
Duncan, G.	Thornely, T.
Forster, M.	Warburton, H.
Giborne, T.	Yorke, H. R.
Hay, Sir A. L.	TELLERS.
Heathcote, J.	Hume, J.
Heron, Sir R.	Williams, W.

Mr. *Hume* said, that before he agreed to the vote he was desirous to have further information with respect to it, and he should, in the absence of such information, move, that the Chairman report progress and ask leave to sit again. It was absolutely necessary that they should have further information before agreeing to the vote.

Dr. *Bowring* agreed in the opinion expressed by his hon. Friend the Member for Montrose, that the House ought to have further information before they agreed to the vote.

Lord *Stanley* said, that further information would be afforded, and in sufficient time to enable the hon. Member to oppose the vote, if he thought necessary at a future stage.

Mr. *Hume* withdrew his Motion, on the understanding that the House should be furnished with the requsite information before they finally agreed to the vote.

Vote agreed to.

Supply—New Zealand.] On the question that a sum not exceeding 7,565*l.* be granted to defray the charge of the colony of New Zealand,

Mr. *Roebuck* objected to the charge for a Bishop for that colony. He wanted to know what we had to do with appointing Bishops, and maintaining the Church Establishment in all our colonies. The Government were not content with sending

out an honest poor parson, but must send out a Bishop. He did not know why such a functionary should be appointed for such a place. It was an outrage upon the people of this country to appoint individuals to such offices, to call them Bishops, and then to pay them out of the sweat of the industrious population.

Lord *Stanley* would not discuss with the hon. Gentleman the propriety, when we were founding a new colony, of furnishing it with religious instruction. He should only say, that the present Government was not responsible. Dr. Selwyn had received from the former Government an assurance of a fixed salary as Bishop of New Zealand, and finding the vote in the Estimates, although he should have been reluctant to place it there, he was under the necessity of retaining it, in order to preserve the faith of the Government.

Mr. *Roebuck* said, what he complained of was, that the Government, without consulting that House, made appointments, and then came down with an appeal *ad misericordiam*, to enable it to redeem its engagements. He wanted to know what this country had to do with forcing the Church Establishment upon all the colonies.

Mr. *Hume* had all along protested against this expenditure as a charge upon the British people, contrary to a pledge given to the country, as an assurance had been given that there should be no additional charge upon the public. One half the people of this country did not go to Church, and yet they were obliged to pay for the Church Establishment, besides maintaining their own clergy. He thought the colonies ought to maintain their own clergy. Here were two pledges—one to the Bishop, and one to the country. Which was to be kept? The House of Commons ought to declare, that the pledge given to the country should be redeemed. Let the Government place a Bishop in every colony, if they pleased; but, for God's sake, let them not make him pay for it.

Lord *Stanley* said, the House had already sanctioned this vote, and he thought the hon. Gentleman must be mistaken, when he said there was a pledge that there should be no additional charge on the public, because the vote had been introduced in the Estimates by the late Government.

Mr. *V. Smith* begged to correct an error of the noble Lord, as to the introduction of this vote into the Estimates, for the noble Lord himself was the first Colonial Secretary who so inserted it, and in a former conversation on the subject, the noble Lord said, that the noble Member for the City of London had promised Dr. Selwyn that the vote should appear in the Estimates. He considered the appointment of a Bishop to New Zealand a most inappropriate one, as the congregation was so small; but at the same time he thought the question was too important a one to be discussed upon a Vote in the Estimates.

Lord *Stanley* said, that when he entered office he found the appointment completed by an official letter from the Secretary for the Colonies to the Treasury, and he thought this a sufficient pledge to warrant the Government in placing this item upon the Estimates.

Mr. *Aglionby* thought, that in a new colony of this description the appointment of a high principled man in the character of Bishop was likely to give a high tone to society. Dr. Selwyn was perfectly beloved in the colony.

Viscount *Sandon* said, that he thought, that whenever there was a separate community with clergy there ought to be a Bishop.

Dr. *Bowring* did not deny the high merits of Dr. Selwyn, and the utility of his services, but the question was, who ought to pay him?

Mr. *Hume* said, that in order to show his disapprobation of the principle of this appointment he should move to reduce this Vote by 600*l*.

The Committee divided on the Question, that the sum be 6,965*l*;—Ayes 19; Noes 80: Majority 61.

List of the AYES.

Berkeley, hon. G. F.	Napier, Sir C.
Bowring, Dr.	Plumridge, Capt.
Brotherton, J.	Smith, rt. hn. R. V.
Evans, W.	Stock, Mr. Sergt.
Gibson, T. M.	Talbot, C. R. M.
Gill, T.	Wakley, T.
Gisborne, T.	Warburton, H.
Hatton, Capt. V.	Williams, W.
Hawes, B.	TELLERS.
Hindley, C.	Hume, J.
Marsland, H.	Roebuck, J. A.

List of the NOES.

Aglionby, H. A.	Baring, hon. W. B.
Allix, J. P.	Baring, rt. hn. F. T.
Arkwright, G.	Bentinck, Lord G.

Boldero, H. G.	Lockart, W.
Botfield, B.	McNeill, D.
Broadley, H.	Manners, Lord J.
Bruce, Lord E.	Masterman, J.
Bruges, W. H. L.	Meynell, Capt.
Chelsea, Visct.	Morris, D.
Clerk, Sir G.	Neville, R.
Clive, hon. R. H.	O'Brien, A. S.
Corry, right hon. H.	Palmer, G.
Cripps, W.	Peel, right hon. Sir R.
Davies, D. A. S.	Peel, J.
Dickinson, F. H.	Plumptre, J. P.
Douglas, Sir C. E.	Pringle, A.
East, J. B.	Rashleigh, W.
Eliot, Lord	Rendlesham, Lord
Escott, B. T. G.	Rous, hon. Capt.
Flower, Sir J.	Russell, J. D. W.
Forbes, W.	Sandon, Visct.
Forman, T. S.	Seymour, Sir H. B.
Gardner, J. D.	Sibthorp, Col.
Gaskell, J. Milnes	Somerset, Lord G.
Gladstone, rt. hn. W. E.	Stanley, Lord
Gladstone, Capt.	Staunton, Sir G. T.
Godson, R.	Stewart, J.
Gordon, hon. Capt.	Stuart, W. V.
Graham, rt. hn. Sir J.	Stuart, H.
Greenall, P.	Sutton, hon. H. M.
Hamilton, Lord C.	Trench, Sir F. W.
Hardinge, rt. hn. Sir H.	Trevor, hon. G. R.
Harris, hon. E. A. J.	Trotter, J.
Hayes, Sir E.	Vesey, hon. T.
Heathcote, Sir W.	Wellesley, Lord C.
Herbert, hon. S.	Wood, Col. T.
Hodgson, R.	Yorke, H. R.
Jermyn, Earl	Young, J.
Kemble, H.	
Knatchbull, rt. hn. Sir E.	TELLERS.
Knight, H. G.	Fremantle, Sir R.
Lincoln, Earl of	Baring, H.

Vote agreed to.

Several other grants were made. The House resumed, the Committee to sit again.

House adjourned at twelve o'clock.

HOUSE OF LORDS,

Monday, April 22, 1844.

MINUTES.] BILLS. *Private.*—1ª. Hartlepool West Harbour and Docks; Yarmouth and Norwich Railway: North British Railway; Eastern Counties Railway (Brandon and Peterborough Extension).

2ª. Durham County Coal Company.

Reported.—Liverpool New Gas and Coke Company; Figge's Naturalization.

3ª. and passed:—Brandes Burton Inclosure; Edinburgh Poor Assessment; Beccles Navigation: Birmingham Canal Navigation.

PETITIONS PRESENTED. By the Duke of Wellington, Lords Dacre, and Campbell, and Earl of Shaftesbury, from Bury, St. Edmund's, and numerous other places, in favour, and from Trenta, and 16 other places, against the Dissenters Chapels Bill; and from King's Lynn, for Legalising Salem Chapel.—By the Earls of Yarborough, and Brownlow, from Laughton, and 41 other places, for Protection to Agriculture.—By Lord Brougham, from Ballonahatty, and a great number of other places, in favour of Presbyterian and Dissenters Marriages (Ireland).—From the National Association, for Exemption from Taxation.—From John Tasker, of Liverpool, in favour of Privy Council Appellate Jurisdiction Act Amendment.—From Burravoe, and Irvine, for Improving the Condition of Scotch Schoolmasters.—From Edinburgh, in favour of Medical Reform.—From Exeter, and 2 other places, against the Union of St. Asaph and Bangor.

HOUSE OF COMMONS,

Monday, April 22, 1844.

MINUTES.] NEW MEMBERS SWORN.—Musgrave Brisco, Esq., for Hastings.

BILLS. *Private.*—1°. West Croft (Nottingham) Inclosure (No. 2); Nottingham (West Croft Canal) Improvement (No. 2); Rother Levels Drainage.

2°. Salford Improvement (No. 2); Coventry Improvement and Cemetery; Cababe's Naturalization; Factories Bill (No. 2); Ecclesiastical Courts; Superior Courts (Common Law).

Reported.—Thetford Inclosure; Newbury and Great Western, and Newbury, Basingstoke, London, and Southampton Railway.

3°. and passed:—Yarmouth and Norwich Railway; North British Railway; Eastern Counties Railway (Brandon and Peterborough Extension); Hartlepool West Harbour and Dock.

PETITIONS PRESENTED. By T. S. Duncombe, from Milborne Port, for Universal Suffrage.—By Mr. Dickinson, from Chard, Sir R. H. Inglis, from Thomas Whitmore, and Mr. Labouchere, from Taunton (2), for Alteration of Ecclesiastical Court Bill.—By Viscount Acheson, from Armagh, and 10 places, and by other hon. Members for Legalising Presbyterian Marriages.—By Mr. Neeld, from Cricklade, against further Grant to Maynooth College.—By Mr. Dugdale, Sir R. Inglis, and Mr. Trelawney, from several places, against Union of Sees of St. Asaph and and Bangor.—By Mr. Lockhart, from Paisley, against Abolition of Tests in Scotch Universities.—By Messrs. Wilshere, Brotherton, and Sanderson, from several places, against Encouragement of Slave Labour Produce—By Mr. O. Duncombe, from Yorkshire, (6), against Repeal of Corn Laws.—By Mr. Bannerman, from Aberdeen, and Mr. P. M. Stewart, from Greenock, for Repeal of Cotton Duties.—By Mr. Thornely, from Liverpool, for Repeal of Differential Duty on Sugar.—By Sir H. Douglas, from Liverpool, for Reduction of Tea Duties.—By Lord Rendlesham, from Suffolk, respecting Window Duty on Licensed Victuallers.—By Mr. Warburton, from Arkhill, respecting Agricultural Labourers (Ireland),—By Mr. Thomas Duncombe, from Sunderland, Wearmouth and Sheffield, for Mitigation of Sentence on Thomas Cooper.—By Mr. Gordon, and Captain Gordon, from South Staffordshire, and Aberdeen, against further Limiting Hours of Labour.—By Mr. Thomas Duncombe, (13 Petitions) and by other hon. Members, in favour of a Ten Hours Clause.—By Mr. Thomas Duncombe, (11 Petitions) and by other hon. Members, against Masters and Servants Bill.—By Mr. Macaulay, from Edinburgh (2), for Reform of Medical Profession.—By Sir R. Ferguson, from Dysart and Burntisland, and by Sir A. L. Hay, from Peterhead, against Prisons (Scotland) Bill.—By Mr. D'Israeli, from Merchants, for Free Competition in Carriage of Goods.—By Mr. Heathcote, from Tiverton, in favour of Small Debts Bill, and against Exempting Mail Coaches from Turnpike Toll.

MEDICAL CHARITIES IN IRELAND.] Mr. *French* rose, pursuant to notice, to ask the Secretary of State for the Home Department whether it were the intention of Her Majesty's Government to introduce any Bill into Parliament during the present Session for better regulating and rendering more efficient the Medical Charities of Ireland; and if so, whether it were in-

tended that such bill should contain provisions similar to those contained in the Bill for the better regulation of Medical Charities in Ireland introduced by Her Majesty's late Government in 1837; or provisions similar to those contained in the Bill for the like purpose introduced by the noble Lord the present Chief Secretary for Ireland in 1842; or any or all of the provisions recommended by the Select Committee appointed last Session to inquire into and report upon the Medical Charities of Ireland?

Lord *Eliot* had nothing to add to the statement which he had already made on the subject, which was, that it was not the intention of Her Majesty's Government to introduce any measure for the regulation of the Medical Charities in Ireland during the present Session.

ALICANT.—COLONEL BONET.] Mr. *Borthwick* wished to ask the right hon. Gentleman at the head of Her Majesty's Government a question relating to certain occurrences reported to have recently taken place at Alicant, in Spain. It was reported in the newspapers that Colonel Pontaleon Bonet, who had been at the head of the late movement at Alicant, and who had conducted himself with great humanity towards the prisoners who had fallen into his hands; had, after a compromise entered into by the person commanding the fort of Alicant with the besiegers, made application to the commander of a British ship at Alicant to receive him on board, representing that unless he was taken on board the ship it was impossible that his life could be spared, and reminding the officer in command, in confirmation of this inference, of the treatment which other persons in his position had experienced at the hands of Roncali when they had fallen into his power. It appeared—at least it was so represented—that at the same time a major who had acted under his command made a similar application, under precisely the same circumstances, to the captain of a French vessel lying in the same port; that the major was successful, and that in consequence he was at this moment alive. On the other hand, it appeared that Colonel Bonet was refused to be taken on board of the British ship; that he then returned to the shore; and in making a desperate effort to regain the mountains was taken, and by the orders of Roncali was shot instantly, and without a trial. The question he had to put to the right hon. Gentleman was whether, according to the representations in the newspapers, express and direct orders had been given to the officer commanding this and other ships, to refuse, under these extreme circumstances, to take on board Spanish subjects; or, whether, in the absence of these instructions, the officer, acting on his own responsibility, had refused to take Colonel Bonet on board; or whether the statement was altogether without foundation, or, as he was informed, exceedingly exaggerated.

Sir *R. Peel*, in answer, had to state that no specific instructions had been given by Her Majesty's Government, or by any authority acting under the control of the Government, having special reference to this particular case. The general purport of the instructions given to the Commanders of British ships of war, during these unfortunate civil contentions in Spain, had been to afford protection to the lives and property of British subjects, but to observe, as far as possible, strict neutrality between the contending parties. In this case no special instructions had been given. It was quite clear that if British ships of war were, as a matter of course, to receive those who had been engaged in insurrection against the constituted authorities, and that were known, it would be a great premium upon insurrection; because parties might try the experiment with a perfect assurance that in case of failure they would be received on board a British ship of war. No express instructions, therefore, were given with respect to the reception of refugees under such circumstances. The general instructions were the same now as he believed they had always been—to maintain, as far as possible, strict neutrality; and it was left to the discretion of individual officers to deal with any particular case. With respect to the case of Colonel Bonet, as reported in the newspapers, if he were to judge from the only Report which was in the possession of Her Majesty's Government, received from Captain Drummond himself, he should say that the circumstances stated in the newspapers could not have taken place. He held in his hand a Report of Captain Drummond. It made no mention of any application addressed to him by Colonel Bonet. It introduced the name of Colonel Bonet;

but he would say that this Report of Captain Drummond was inconsistent with the accounts in the newspapers. At the same time it was stated that the Scout ship, commanded by Captain Drummond, in consequence of information received from the British Consul at Alicant of its being the intention of the Spanish Government to blockade the town of Alicant, had arrived off Alicant, and that thirty-seven British subjects had been taken on board of the vessel, and received protection. The Report also stated that many applications had been made by Spanish subjects to be received on board, but that they were not received. That was the whole of the information which Her Majesty's Government had received on this subject. As he had said before, no direct information had been received from Captain Drummond, as to whether any application had been made to him by Colonel Bonet.

Lord *John Russell* wished to ask the right hon. Gentleman whether he had any objection to desire Captain Drummond to furnish a statement of the transaction, as far as regarded Colonel Bonet?

Sir *Robert Peel*—Certainly not. I should think, as a matter of course, such a statement would be reported to the Board of Admiralty. On a question of this sort, I shall always take the opportunity of expressing my abhorrence and disgust at these sanguinary proceedings, which have occurred on the part of the constituted authorities of Spain, on the insurgents there. These wholesale massacres without the regular forms of trial are doing more to injure the character of Spain in the estimation of the civilized world than any other course which the Government of that country could pursue. I do believe that even barbarous nations would observe greater humanity in their civil contentions than has been observed by both parties in Spain.

HOURS OF LABOUR IN FACTORIES.] On the Order of the Day that the Factories Bill (No. 2) be read a second time,

Mr. *T. Duncombe* said it had been his intention to have moved, on the Motion for the Second Reading of the Bill, that the Bill should be referred to a Select Committee up stairs; but he thought the most appropriate time for doing so would be when the Order of the Day would be moved to be read for the House going into Committee on the Bill. The Committee would be confined to the question of wages, because (there was no use in the House deceiving itself on the subject) there was a strong impression amongst the operatives that the restriction of labour to ten hours would not reduce wages. He knew that they said, and that others in their behalf also said, that they were prepared to take the consequences of a reduction of wages; but, then they always said that a reduction of wages would not be the consequence. The opposition of the Government to the noble Lord's proposition was founded upon the argument that it would be injurious to the working-classes, in consequence of the reduction of wages that would necessarily ensue from it. On a consultation with the short-time Committee lately, he told them that he believed a different impression from that which they entertained prevailed in the House of Commons. They complained of the ignorance of the House of Commons on this question, and, as practical men, he proposed to them to go to a Committee of the House of Commons, and explain their grievances on the matter there, and, with regard to this particular point, meet the argument of the master manufacturers that this limitation would reduce the amount of wages. They complained, and he thought justly, that the House attended more to the statements of masters and mill-owners, than to the feelings and representations of the operatives. He believed it would be satisfactory to a great portion of the working-classes, and he thought it was also due to the public, that some further investigation should take place on this subject. He did not believe that which he was told would be the case if this Bill were referred to a Committee up-stairs, that it would be hung up for the remainder of the Session. But he thought it better that it should be hung up for the remainder of the present Session than that it should be passed in the shape to which Ministers had at present reduced it. That it would pass in that shape there could not be the slightest doubt. It was a perfect delusion to suppose that the Motion of the noble Member for Dorsetshire could by any possibility be carried, or that it would be acceded to by the House. The only chance the noble Lord had of carrying his point was by fighting step by step in every stage in the

progress of the Bill through the House for the principle which the House had already agreed to. The noble Lord (Lord Ashley) gave up an opportunity of introducing his Clause in Committee, and he had given notice of his proposition for the third reading. The noble Lord might have introduced a Clause in Committee, and he might also have introduced it on the Report, but he let those opportunities go by, and deferred it to the time when the Speaker was going to put the question from the Chair, that the Bill do pass. Then it was that the noble Lord's Clause was to be brought up, and the right hon. Baronet and the Government would then properly say to the noble Lord and to the House, that the provisions which he proposed militated so much against the whole principle of the Bill, and the provisions which had been already agreed to, that it would be totally impossible for the House now to accede to it. There would be perfect good sense in that. It was perfectly proper on the part of the Government so to do if they allowed, as the noble Lord was about to do, the Bill to slip through the House until it was about being passed. The noble Lord was to take a flying shot, it seemed, at the Bill as it was about to pass, but he would find when he came to fire his second barrel that the Bill was out of the way. That would be the result after all the discussions that had taken place, and after the decision which the House had come to, that women and children should not work for more than ten hours. He did not complain of the Government on the present occasion in the slightest degree. They had fulfilled the promise they made to the noble Lord before the recess, that he should have an early opportunity of bringing on his Clause. The noble Lord had got that opportunity, but had not availed himself of it. This was the time for discussing the principle of adult labour. The operatives would say that we had been trifling with their interest—that the whole thing was a delusion. He did not think that there was the slightest chance of the noble Lord the Member for Dorsetshire carrying his Amendment on any future day. No good would result unless the right hon. Baronet consented to a Select Committee up-stairs for the purpose of having evidence on the subject. Let the masters and the men meet before an impartial Committee, and let the public be thus satisfied who was in the right, and who in the wrong. By these means only could they disabuse the public mind of the impression which prevailed that the House of Commons was totally ignorant of the interests of those for whom they were legislating,

Lord *Ashley* said it had not been his intention to make a single remark, but the observations of the hon. Member for Finsbury (Mr. Duncombe) induced him to read to the House three lines of a letter received by him that morning. The hon. Gentleman said that the operatives considered that he had deluded them—that his conduct was, in fact, tantamount to a surrender. Now, he believed that the operatives of England were quit as fit judges of what was for their own good as the hon. Gentleman the Member for Finsbury; and he was quite sure that they had amongst them ten times more justice and ten times more candour than had been exhibited by that hon. Gentleman. The letter from which he was going to quote, was written by the authority of the central short-time Committee in Lancashire, in answer to what they had heard of what he had stated as to the course which he had taken, and which they had seen in all the public journals, and which public journals the hon. Gentleman had evidently been studying, with a degree of accuracy, care, and diligence, which did him great credit. The words of the letter were,

"My Lord—We are all of opinion that the course you have adopted in reference to the interests of the working-classes, is the best which, under the circumstances, could have been adopted; and we shall give you all the support that lies in our power."

That he thought was a sufficient answer to the hon. Member for Finsbury.

Mr. *Aglionby* trusted that the hon. Member for Finsbury would not do anything which would have the effect of endangering the success of the Motion which the noble Lord the Member for Dorsetshire intended to bring forward. It was his firm belief that the noble Lord had the cause of the operative classes at heart. He had supported the noble Lord on a former occasion, and it was his intention to vote again for his Motion. From everything that he had seen and heard of the noble Lord's conduct, he (Mr. Aglionby) was persuaded that the noble Lord's sincerity was as great as his judgment, and his judgment was as great as his sincerity.

He depended entirely upon the judgment and sincerity of the noble Lord. He hoped that the noble Lord would not fall into the trap which had been laid for him. It had been said that they wished to practise a delusion upon the working classes; that the wages of the operatives would fall, and that the ruin of the master manufacturers would follow. In his humble opinion the working classes were as competent to form a judgment of the probable effects of the noble Lord's proposition as they in the House of Commons were. He agreed with what had fallen from the hon. Member for Finsbury with reference to the mill-owners and master manufacturers. He considered, with that hon. Member, that they were too much disposed to pay exclusive attention to the opinions of the mill-owners and master manufacturers. He did not deny that there existed great difficulties in connexion with the subject; but certainly no one could refuse to admit that the operatives had a right to judge for themselves; the working classes had well considered the question, and were perfectly competent to come to a sound conclusion on the matter. It was too much for hon. Members who had no intimate acquaintance with the practical details of the Measure to theorize as they did with reference to it.

Mr. *Stuart Wortley* did not know upon what authority the Member for Finsbury presumed to lecture hon. Members upon the course they thought proper to pursue with regard to the question under discussion, and that too at the very moment when he himself was postponing to another day his own Motion. He thought that the House should not be called upon to discuss Motions of that kind upon the question of reading the Bill a second time. The hon. Member for Bath had given formal notice for a Motion on going into Committee, and the hon. Member for Finsbury had also given notice of his intention to move that the Bill be referred to a Select Committee. The hon. Member for Sheffield had also intimated his intention of proposing an Amendment on the discussion of one of the Clauses. It appeared to him (Mr. S. Wortley) that great inconvenience would result if all these Motions were discussed at the same time. Therefore, he wished to ask the right hon. Gentleman in the Chair which Motion would have precedence,—that of the hon. Member for Bath, or that of the hon. Member for Finsbury?

The *Speaker*, in answer to the question which had been asked by the hon. Member, begged to say, that according to the rules of the House, on Friday next, after the Order of the Day for Committing the Bill to a Committe of the whole House, had been read, it would be in the power of the hon. Member for Finsbury to bring forward his Motion, and move that the said Order be discharged in order that the Bill may be referred to a Select Committee. Should that Motion be negatived, and when it was moved, that the Speaker do leave the Chair preliminary to the House going into Committee, it would then be competent for any hon. Member to move any resolution, relevant to the matter before the House.

Mr. *Stansfield*: As several of the Clauses contained in the Bill would be exceedingly oppressive in their operation, it was his intention, when the Bill was in Committee, to propose the addition of several Clauses affecting other branches of manufactures as well as the woollen trade.

Mr. *Ross* was anxious to express to the House the reasons which had influenced him in taking a course contrary to that which he had pursued on a former occasion, when the Motion of the noble Lord the Member for Dorsetshire was under the consideration of the House. The subject, in all its details, was generally admitted to be one of great complexity and difficulty. So much exaggeration and so many misstatements had been made on both sides of the House, that he had considered it to be his duty to appeal to those who he thought were in possession of the best means for coming to a sound conclusion on the subject. With this object in view he had taken the opinion of several of his constituents at Belfast, and his impression was, that they were favourable to a Ten Hours Bill, and consequently he voted in favour of the Motion of the noble Lord the Member for Dorsetshire; but no sooner had he done so than some of his constituents expressed regret that he had not consulted them on the subject. It was thought that any interference with the hours of labour would materially injure the Flax Trade of Belfast. Meetings had been held on the subject, and a Petition numerously signed had been presented from Belfast, signed by working men and young persons about the age of fifteen, praying the House not to intro-

duce any measure which would interfere with labour. The petitioners, taking a different view from that entertained by his hon. Friend, asserted that it was their belief that the inevitable consequence of reducing the hours of labour would be a reduction in the wages of the operatives. Seeing, therefore, the opinion of the master manufacturers backed by the opinion of the working men,—perceiving, he said, a similarity of opinion between these two classes,—he considered it to be his duty to take another course from that which he had previously adopted. He was aware that his conduct was open to the charge of inconsistency; but he thought it better to expose himself to such an imputation than act at variance with what he conceived to be right and just.

Mr. *Hindley* thought that the best argument in favour of the Motion of the hon. Member for Finsbury was, the speech which had just been made by the hon. Member for Belfast. The change of opinion which the hon. Member for Belfast had that evening announced with regard to the Factory Bill proved to him the absolute necessity of probing and sifting this matter to the very bottom. The doctrines of political economy were not opposed to the principles of humanity. He trusted that the hon. Member for Finsbury would persevere with his Motion. The right hon. Baronet (Sir J. Graham) had taunted the House with having been influenced by a "tyrant majority," but the conduct of Government was such, that they deserved to be designated by the term "tyrant minority." In fact, he never witnessed a Government attempt to beard the House of Commons as the present Government had endeavoured to do.

Mr. *M. Philips* could not conceive how the hon. Gentleman who had just resumed his seat could reconcile his opinions ex-expressed in, with his conduct out of, the House. Had not that hon. Member, some years back, made himself notorious by having infringed all the provisions of the Factory Act? Yes; he repeated the charge, and he left to the hon. Member to explain, if he could, his conduct upon that occasion. He would place more confidence in what had fallen from the hon. Member for Belfast than in the judgment of the hon. Member for Ashton-under-Lyme. The hon. Member for Belfast had been influenced, he said, on a former occasion by the exaggeration and misstatements which had been made on this subject, and therefore he voted in favour of the Motion of the noble Lord, the Member for Dorsetshire. But then the hon. Member before he recorded his vote, took the trouble to inquire in a judicious manner into the subject, deriving his information from practical men—among the men as well as the masters. The hon. Member had now the manliness to come forward and state the grounds upon which he had thought proper to change his opinion. He had always been opposed to any interference with adult labour. If they once commenced trying the experiment of interfering with adult labour they must regulate wages. Did they think they could rest with the Bill in its present shape? They would have to extend their inquiries into labour the whole length and breadth of the land. The effect would be that the trade of this country would go into the hands of foreign nations. Let the hon. Member, during the Parliamentary recess, traverse the Continent of Europe, and place before the House the result of his inquiries into this subject. The whole thing was a delusion on the working people—it was a delusion to which he could not be a party. He was opposed to the appointment of sub-inspectors of Factories. In his opinion, inspectors should be Gentlemen—they should be selected from persons of the highest class. The appointment of an inferior description of sub-inspectors was attended by many disadvantages. He also objected to the establishment of a central office in London in connexion with the inspectorship. The office ought to be in the districts particularly interested in the matter. He hoped that the right hon. Baronet's attention would be directed to this subject. He considered that much exaggeration was prevalent with regard to the accidents said to be caused by machinery. They were more rare than many hon. Members appeared to imagine. He trusted that the right hon. Baronet would look into these facts. If he thought that any danger existed, he should be as anxious as any hon. Member to do everything to obviate its occurrence.

Mr. *Hindley* begged to be allowed, as observations of a personal nature had just been made by the hon. Member for Manchester, to throw himself on the indulgence of the House whilst he offered to it some explanation. He had heard the charge

repeated no less than three times in 1836, and he had not thought it necessary to make any reply to it; but, as the statement had been cheered by the House, he must suppose that hon. Members really believed he had acted inconsistently as a millowner, and in the professions he had made on the subject in his place in Parliament. He trusted, therefore, he should be allowed to state what had been the real circumstances of the matter. In 1836 he was connected with a large concern in the north of England, and he had desired that in that concern the Factory Bill should be strictly observed, and he had every reason to believe the law was so observed; but, as he lived in London, 200 miles off, he could not know whether or not his partners were in the habit daily of observing the law. However, on the very day after he got into the country, at the close of the Session of 1836, he had asked the managing man casually whether they had strictly observed the Factory Act. The man replied, "No," for that they had been working the Factory twelve and a half hours per day, because they were working twelve and a half hours at Staleybridge, and therefore he had been obliged to do the same. He had the evil corrected; the following week the Factory Superintendent brought a charge before the Magistrates, and he had not attempted to extenuate the force of the charge; on the contrary, when the sons of his partner came to him to ask what they must do in the matter, he at once said to them, "Go and pay the penalty—you deserve punishment, and therefore whatever the Magistrates choose to call upon you to pay, you must pay, or I must pay it for you." The Magistrates fined them each 20*l.* and 40*l.*, the largest fine ever imposed, and it had been paid. He did not know, nor had he ever found fault with that proceeding, though the Factory Superintendent had made a speech against him, charging him as being a law-maker and a law-breaker, and in order to diminish his (Mr. Hindley's) influence with the House on this question, he had printed that speech and sent a copy of it to every Member of the House. If this was the way they thought to crush him or this question, they were very much mistaken. He thanked the House for its attention, and he trusted he had removed the impression which had been created.

Mr. *Ferrand* wished to remark, in reference to what had just fallen from the hon. Member for Manchester, that he (Mr. Ferrand) had attended a meeting of the working classes in that Borough, when the people had expressed their gratitude and delight that the House had determined to legislate in their behalf. They expected also that their two Representatives would have attended tha meeting, for the purpose of discussing that question; they had challenged the masters to meet them; they did not fear to meet them openly, face to face; they knew that on their side they had truth and justice, whilst on the side of the masters, there was falsehood and injustice. If the working classes were in fault in seeking this protection, how did it happen that the masters would not confront them, and show them that they were in error? As the hon. Member for Cockermouth had truly said, the working classes were better able to discuss this question than two-thirds of the Members of that House, and they never would be satisfied until they were protected under a ten hours' Bill. The Factory Inspectors had by their Reports themselves proved that the present system was destructive to human life, and the House had decided to give them protection. He asked the hon. Member (Mr. M. Phillips) to go down and meet his constituents, and he would find that there were not ten working men who were not in favour of a ten hours Factories Bill.

Bill read a second time.

On the question that it be committed,

MR. FERRAND, SIR J. GRAHAM, AND MR. HOGG.] Mr. *Roebuck:* I wish to ask a question of the hon. Member for Knaresborough, and if in doing so, I misrepresent him, I hope the hon. Member will correct me. It is reported of that hon. Member that he has charged a Minister of the Crown with having used his power as a Minister to induce an officer employed by the Government—namely, an Assistant Poor Law Commissioner—to make a false Report for the purpose of crushing a Member of this House. Look at the propositions contained in this charge. The first is, that a Minister of the Crown has used his official power to induce an officer of the Government to make a false Report; and the next is, that the false Report has been so obtained for the purpose of crushing a Member of this House. Now, I think, that as this charge has been publicly

stated, I am justified in asking the hon. Member for Knaresborough, who is the Minister of the Crown who so used the power of his office, what is the name of the officer of the Government who was employed for that purpose, and who is the Member of the House attempted to be crushed? It may be that the fly has been crushed under the wheel; it may be, that the insect was there before the wheel was turned on to it; it may be that the hon. Member for Knaresborough can throw some peculiar light on the matter which will bring in the Minister of the Crown charged with having employed the powers of the Government to induce one of its sworn officers to make a false Report for the purpose of crushing a Member of it; but if it shall turn out that the charge is false, I want to know the value of the authority of that Gentleman who shall thus employ his powers in propagating such a falsehood.

Mr. *Ferrand*: If the hon. and learned Member for Bath had shown me the courtesy usually observed by hon. Members towards each other on occasions like this, I would have come down to the House properly prepared to give him a full explanation. As he has not done so, but pursued that system to which he usually resorts—that of coming duly prepared to take an undue advantage of an unprepared Member — I must answer as well as I can. Luckily, however, I am prepared, as far as my recollection goes, to state to the House the circumstances to which the hon. Member has alluded. During the period of the discussion of the New Poor Law Bill in this House, it happened that I addressed the House on that Measure, and immediately after I sat down the right hon. Baronet at the head of the Home Department drew out of the box opposite to him a Report, from which he made charges against me as a rate-payer of the Keighley Union, and the other rate-payers of that Union, which I knew were false. That Report was obtained from an Assistant Poor Law Commissioner of the name of Mott. At the time I denied the truth of that Report, and at length a Committee was appointed to inquire into the allegations of that Report. Several Magistrates were examined, many of the Guardians of the poor, several of the servants of the Union, all of whom declared that many of the charges they knew to be untrue, and some of them went so far as to say that the Report was scandalous and false. I am sorry to say that the Committee on that occasion did not do full justice. They declared, indeed, that many parts of that Report were overdrawn; but I was not to be put down. I came down to the House after their Report was presented, and asked for fresh Returns, in order to procure justice to myself and the other rate-payers. The right hon. Baronet, the First Lord of the Treasury, and the right hon. Baronet, the Home Secretary, opposed the production of those Returns. I appealed in vain to the House to grant them. There was an inclination to prevent them being produced; but at last thanks to the interposition of the noble Lord, the Member for the City of London, who said, that he thought it would be unjust to refuse these Returns, and after noses were counted on this side of the House, and the Government found that they would be in a minority if they resisted, they were granted. Now, these Returns proved that the Report was false. They were laid on the Table at the end of the Session; but before the next Session commenced, Mr. Mott was dismissed from office, and thereby prevented from being brought to the Bar of the House. It was the duty of the Government to have stated the reasons of his dismissal, for I brought the question forward during a debate in the succeeding Session, and appealed to the right hon. Baronet, the First Lord of the Treasury to do justice to the parish of Keighley. There is not a rate-payer in that parish who will not stand by me and declare that that report is false. How did it get secretly into the box of the right hon. Baronet? Until the right hon. Baronet explains this circumstance, I will not retract one word of what I have said upon this question.

Mr. *Roebuck*.—The question I have put has not been answered. The question was, that a Minister of the Crown had used his power as a Minister to induce an officer employed by the Government to make a false report. The hon. Member for Knaresborough has shown that the report is false, but the first part of my question remains still unanswered. That part of the charge that the right hon. Baronet used his power for this purpose still remains without explanation. That charge scandalous as it is, the hon. Member has not substantiated.

Mr. *Ferrand.*—I have performed my duty to the House to the best of my ability, and I tell the hon. and learned Member for Bath, that he is not going to school me. He has used language unbecoming him as a Member of the House and as a Gentleman.

The *Speaker.*—The hon. Member must retract the last words he has used.

Mr. *Ferrand.*—Certainly, as such, Sir, is your decision. I shall say he has acted in a manner unbecoming his position as a Member of the House. The words I uttered were these:—that the right hon. Baronet had taken steps to procure a false report for the purpose of using it in this House to crush a Member of the House. Those words I used—those words I do not retract.

Sir *J. Graham.*—I must confess, that until the last words fell from the hon. Member for Knaresborough, I felt great indifference both as to the matter itself and as to the turn of this discussion. Until the charge was deliberately made, I could hardly have thought it possible that the hon. Member would venture on that assertion anywhere, much less in a British House of Commons and in my presence. The charge is that I used my official power to obtain a false report. I do not think it worth while to move that the words be taken down, though that would be the regular course. About them there can be now no mistake, as the hon. Member has distinctly stated them after some deliberation. The hon. Member avoided answering the question at first: the question has been repeated: the hon. Member has deliberated, and says that he is prepared to assert that I used my official powers to obtain a false report for the purpose of crushing a Member of this House, that Mr. Mott is the officer, and that the Member is the hon. Gentleman himself. Now, considering the position which I hold by favour of Her Majesty—considering that the assertion is made deliberately, I think it impossible, and I am quite sure that the hon. Member will feel it to be impossible, that the matter can rest here; and I hope the hon. Member is prepared to take the proper course to substantiate so grave a charge.

Mr. *Hume.*—I have to put another question, which is even of greater importance. It has been asserted—for I have read the report, which I hope is not true—it has been asserted at a public meeting that the right hon. Baronet the Home Secretary made use of his influence to induce an hon. Member, who now sits behind him, when Chairman of an Election Committee appointed to inquire into the return for Nottingham, to commit perjury. That is the extent of the charge. The hon. Member as Chairman of that Committee, must have been sworn, and if in that capacity he stated opinions contrary to his own conscientious conviction, it would be perjury. Now it appears to me that this is a most serious charge both against the right hon. Baronet and the hon. Member for Beverley. I trust that the report is inaccurate, and that the hon. Member for Knaresborough will offer some explanation respecting it.

Mr. *Ferrand.*—I beg to say that I never made use of such expressions.

Mr. *H. G. Ward.*—I am bound to say that, an impression to that effect has certainly been inculcated throughout the country. It has been represented that the hon. Member for Beverley grossly violated his duty, and that he sought by subterfuge to get rid of a Member of this House, who was obnoxious here because he was considered the advocate of the interests of the working classes. It has been represented that the hon. Member discharged his duty in such a way that the whole House marked its opinion of his proceedings, and that when he presented the report from that Committe, the only voice that cheered him was that of the right hon. Baronet the Secretary of State for the Home Department. I did not expect that this discussion would have taken place, or I would have come prepared for it: but I have a lively recollection of these words, or something like them, having been used at more than one of those meetings, where it is said such singular unanimity prevailed. There was also an assurance given at one of those meetings that the right hon. Baronet at the head of the Government had said on leaving the House and entering the Lobby, that it was the Christian feeling of the House which had defeated the Government. I cannot help hoping that the hon. Member for Knaresborough has sufficient good feeling to say that he was misled by the warmth of his feelings on this question, and that he did not attach that importance which he ought to have done to the words he used,—words which are calculated to make a deep impression on the minds of all who heard him, and who would take the facts as he stated

them, or that there was no foundation for the report.

Mr. *Ferrand.*—I never alluded to anything that fell from the right hon. Baronet at the head of the Government. [Mr. *H. G. Ward.*—Then it was Mr. Oastler.] —Perhaps so; but I am not Mr. Oastler's keeper. The right hon. Baronet the Home Secretary was his keeper some time since, when he was a prisoner in the Queen's Prison; but now Mr. Oastler is free. I never said anything about the whole of the House viewing with disgust the conduct of the hon. Member for Beverley. I only spoke of the feeling of my side of it, and I am prepared to stand by what I did say.

Mr. *Hogg.*—I hope the hon. Member will state to the House now what he did state then. I hope that he will avow or disavow the report of his Speech, which would never have met my eye if it had not occupied a prominent place in a leading article of *The Times*. The hon. Member cannot fail to have seen that report in *The Times*, and I hope that he will distinctly state to the House whether it be correct or not. Indeed, I have a right to request, nay, to demand that the House will require and compel the hon. Gentleman distinctly to avow or disavow that Speech so reported and so prominently put forward in a leading article of *The Times*. [Mr. *Ferrand.*—I believe every word used in that report is entirely correct.] I declare most solemnly that it was not my intention to have taken any notice of what appeared in that paper, or what had fallen from the hon. Gentleman. I did not act, however, on my own impression. I am not peculiarly sensitive, for I know that public men connected with public affairs are subject to public comments, and I am not peculiarly sensitive particularly when I know the quarter from which the accusation comes. In this matter I took the advice of hon. Friends on both sides of the House, and also of private friends of my own out of the House, and they concurred in regarding the observations as unworthy of notice, and in desiring me not to take any notice of the matter either out of the House or in my place in Parliament. I have been now for a long period a Member of this House, and I have elsewhere been long before the public, and I felt satisfied with the advice given to me—which concurred with my own first impressions—that the observations of the hon. Gentleman were not deserving of consideration. The matter now, however, assumes a very different aspect. I might disregard words used by the hon. Gentleman when itinerating about the country as unseemly vituperation and foul calumnies; but when the hon. Gentleman avows in this House that I, a sworn officer of the House, in the discharge of a public duty, was influenced by a Minister of the Crown grossly to abandon that public duty —a duty discharged under the solemn sanction of an oath—and to give a false verdict, from a foul and vile abandonment of my duty, it is incumbent upon me no longer to treat the matter with indifference, but to call on the hon. Member to substantiate his charge. I call on him to rise and to create on the mind of the House a doubt, or the slightest suspicion, that in the discharge of my duty I was influenced by dishonest or dishonourable motives. If he can raise that doubt, if he can create that suspicion, then let me be covered with merited obloquy, and depart from this House, as no longer worthy to sit in it or to communicate with Gentlemen; but, if he cannot raise that doubt, if he fail to prove any just ground for that imputation, then let the hon. Member stand convicted before the House of foul and false slander and calumny; and it will be for him, after he is so branded, to consider whether he is worthy to sit in this assembly or to communicate with Gentlemen. I repeat my solemn declaration, that I had not the slightest intention to bring the matter before the House, but now that the imputation has been repeated in this place, I am compelled to do so. I throw myself on the House. I appeal to your feelings as Gentlemen, and I know that that is a feeling to which you will always respond. Since I have had the honour of a seat in this House, I never sought from those by whom Committees are appointed a seat on any Committee; and, at the same time, I have never refused, to the best of my humble ability, to discharge any duty the House has thought fit to impose on me. The House imposed that duty upon me, and as a sworn officer of this House, I think I have a right to be supported. I claim that right, because, if it should appear that I am guilty, every one must feel that I deserve to be branded with infamy. Under these circumstances, then, I require your protection, and I shall only add, that if the hon. Gentleman should not succeed in raising any doubt with respect to my conduct, then I hope that he will be branded in the manner he deserves.

Mr. *Ferrand.*—When I uttered the language which has been brought under the consideration of the House, I said that the hon. and learned Member haggled and higgled.

Mr. *Hogg.*—That is not the part. You concluded by saying that the right hon. Gentleman the Secretary of State for the Home Department induced me to betray my duty, and then raised a solitary cheer amidst universal disgust.

Mr. *Ferrand.*—The hon. and learned Gentleman is labouring under a mistake. I said nothing of the kind. If the hon. and learned Member for Bath had given me notice of his intention to bring this question before the House I should have brought down the newspaper with me, and gone through the report word for word, and I do not believe that there would be any necessity for my disavowing any portion of the report; on the contrary, I say now, as I said before, that I believe the report of my Speech in *The Times* to be perfectly correct. But the hon. and learned Member for Bath, disregarding the courtesy usual on such occasions, did not give me an opportunity of stating with the requisite explanations the words contained in my Speech. When I used the language contained in that report I alluded to feelings which prevailed in this House. I said that the haggling and higgling of the hon. and learned Member for Beverley excited disgust at this side of the House, and amongst the hon. Members by whom he was surrounded on that occasion he was not cheered by more than one (and that one was the Secretary of State for the Home Department); that is, as nearly as possible, what I said. If I had the newspaper here this evening, I should have been prepared to stand by every word I uttered. I have now stated, to the best of my knowledge, all that I said on that occasion; but I will to-morrow attend here, bring with me the paper, go over the whole of the report, and be prepared to stand by any assertions I have made, which, as I believe, are correctly reported in the publication referred to. I trust at the same time that no one will retract any of the observations which he has deliberately made this evening. The hon. and learned Member for Beverley seemed totally to have forgotten that on the occasion which has given rise to this discussion he found it necessary to deliver to the House a long explanation of his own conduct in this matter. He addressed to the House of his own accord an excuse of half an hour's duration. Surely there must have been something very extraordinary which rendered it necessary for him to take so much pains to justify his conduct. Now I beg leave to remind the House that I am a public man as well as the hon. and learned Member, and that I have a right to form and to express an opinion of the conduct of any Members of this House as well as anybody else, either within it or out of it. On the occasion to which I have been referring, there was a general condemnation on this side of the House of the manner in which the hon. and learned Member had discharged his duty, and I had no hesitation as to forming my own opinion respecting his conduct. Though that might be galling to him, yet such a circumstance forms no reason why an attempt should be made to intimidate me. I repeat, that I will not suffer myself to be intimidated by attacks which proceed from jealousy of feeling shown towards me, and which originate with parties opposite and the Government, jealous of the enthusiastic manner in which I have been received by tens of thousands of the working classes in the manufacturing districts during the last three weeks, whilst I have been asserting their rights—men who once trusted you but whom you now dare not face, because you have betrayed them. The object, as I have stated, which you have in view, is to crush me, and I will not permit myself to be put down in this House, where I have as much right to state my political opinions as any other hon. Member within its walls.

Sir *J. Graham.*—I am happy to say that we are here before an assembly, not such as those which the hon. Member for Knaresborough has been recently in the habit of addressing. There shall be no haggling or higgling here. We are before a British House of Commons. The hon. Member has accused me of this—that I, being a Minister of the Crown procured a false report to be made for the purpose of doing him an injury, and the hon. Member, proceeding to be more specific, alleged that I, as a Minister of the Crown, did use undue influence over a Member of this House, and the Member of this House, to whom he so alluded is the hon. and learned Member for Beverley, and the further allegation is,

that I used this corrupt influence for the purpose of depriving another hon. Member of his seat in this House. I trust that to-morrow there will be neither haggling nor higgling. I claim this,—that the accusation brought against me be clearly and unequivocally stated. I claim, also, that the foundation on which these accusations rest be examined without delay. This I claim, not from the generosity of the hon. Member for Knaresborough, but from the justice of both sides of the House. It will I hope be understood that the hon Member is expected to come down to-morrow prepared clearly to state, and fully to substantiate, the charges which he has made against me—charges which affect me, not only as a Member of this House, but as a Minister of the Crown. In my official character I think I have a right to call upon the House to compel the hon. Gentleman to bring forward and prove his accusation. I challenge him to any species of inquiry which he can possibly suggest. I am willing to go before a Committee, no matter how constituted, and I here pledge myself to him that I will not object to the name of any Member whom the House may think fit to place on that Committee.

Mr. *Ferrand.*—I hope when the right hon. Baronet, the Secretary of State for the Home Department next addresses the House, he will be prepared to explain how he became possessed of the document which he used against me. The right hon. Baronet will then be on his trial quite as much as I shall be, and I hope he will explain the manner in which he became possessed of the Report which he took out of his box, and used against me.

Mr. *Hogg.*—I hope the hon. Member for Knaresborough will read to the House the report of the speech which he has made, and if it bears anything like the interpretation which people in general put upon it, I will call on the hon. Member distinctly to disavow it, or immediately to bring forward proof of his allegations before any tribunal which may be appointed for the investigation of my conduct; and if he raises a particle of doubt, or even suspicion, I shall be ready to acknowledge that he is successful; on the other hand, if he should fail in producing such an effect, I trust the House will visit such conduct according to its deserts.

Lord *J. Russell*:—I do not think it a matter of much importance whether the particular words were used by the hon. Gentleman, or whether they were correctly reported in the *Times* newspaper. The question is, whether the hon. Member can allege, and give proof in support of his allegation, that the right hon. Gentleman caused or directed a proceeding by which a false report was made to this House. It is quite beside the question whether the right hon. Gentleman received a Report in which some facts may be incorrect, and had used that statement without verification; the question is, whether the right hon. Gentleman used any influence for the purpose of procuring such a false Report. So, also, with regard to the question against the hon. Member for Beverley. The hon. Gentleman alludes to the fact of the decision of the Committee, and he makes a statement that to the explanation of the hon. Member, certain Members on one side of the House, listened with disgust. Now, there are two separate questions. How the hon. Member applied the law to a particular case, whether he had rightly understood it, or had mistaken it, is no part of this question. The question is, whether the hon. Member honestly, purely, and conscientiously, discharged his duty—a solemn duty imposed upon him by this House, or whether he acted corruptly, or perverted the law, influenced by any individual, for the purpose of injuring another, or to do good to any party in this House. That is what will be the question before the House. I do not hesitate to state my belief, that neither of these charges will be substantiated. I recollect stating, at the time, my opinion, that the hon. Member had fairly discharged his duty as Chairman: for I thought it was due to the Chairman, acting in the discharge of such a duty, to be supported by the House to the utmost, when he had been acting honestly. And the hon. Gentleman must consider, that he will not prove his allegation, by showing any difference of opinion as to the law, or of the impression produced upon his mind as to the law. The question will be, whether the charge against the honour and the honesty of the hon. Gentleman can be substantiated? Although I should have thought with the hon. Member for Beverley, that such a charge need not be met when stated out of doors, but as the matter has been noticed in this House he could not have refused to meet it. Let the hon. Gentleman take what time he may require to look at what he has alleged,

and what he purported to allege. He is then bound to make out his allegation. He is either bound to make good in this House his charge against the right hon. Gentleman, the Secretary of State for the Home Department, acting as a Minister of the Crown, and to make good his charge against the hon. Member for Beverley, for dishonourable conduct in the discharge of his duty, as the Chairman of a Committee of this House; or he will show that he has unjustly calumniated Members of this House, and that he has tried to weaken the opinion of the people in the honour of Members of this House, without having any foundation for his calumny.

Sir *Robert Peel*:—I really am sorry that the hon. Member for Sheffield took any notice of what fell from the hon. Member as to any expression which is said to have fallen from me. I had not intended to refer to it; but knowing the importance which will be attached to the charge, as I am in the House when it has been noticed, if I remain silent, and knowing that in such case I shall be told, during the next fortnight, that this charge was made in my presence, and I did not notice it, I will say a very few words. I see it stated, day by day, first with loud cheers, and then amidst great disgust, that I said, on returning into the Lobby after the Debate on the Factory Bill, that the Christian feelings of the House, or Christian principles had beaten the Government. I never said a syllable of the sort, nor anything like it, nor anything that could give a possible foundation for such a statement. It is generally thought that there is some foundation for rumours of this kind, but in this case, there is no pretext whatever for such a statement. I said this,—that if Government took time, and gave opportunity to hon. Members to consider the consequences of interfering with labour, Government would have a majority.

Bill to be committed.

ECCLESIASTICAL COURTS BILL.] Dr. *Nicholl* in moving the second reading of the Ecclesiastical Courts Bill, said, the subject was one which, from the time of Henry VIII. had at intervals engaged public attention. It was not necessary to allude to the early attempt at remodelling the jurisdiction;—but in 1812 a Bill had been introduced by Sir William Scott, the object of which was to transfer the greater portion of the business to the Diocesan Courts. That Bill was lost by a dissolution of Parliament. The next Bill passed in the House of Commons, but was lost in the House of Lords. In 1829, the Duke of Wellington issued a Commission of Inquiry into the Ecclesiastical Courts, and the jurisdiction exercised by them. That Commission recommended that all jurisdiction in contentious and testamentary matters should be exercised by the Provincial Courts of Canterbury and York. In 1832, during the Administration of Lord Grey, a Bill was introduced by Lord Brougham, then Lord Chancellor, carrying out that recommendation, but it did not advance any further. In the year 1833 a Committee of the House of Commons was appointed, of which the right hon. Member for Taunton was chairman. That Committee concurred in the recommendations of the Commissioners, for removing from the Diocesan Courts the contentious and testamentary jurisdiction, but recommended its transfer to one Queen's Court sitting in London, instead of to the two Provincial Courts. A Bill was prepared accordingly in 1834—with this modification, however, that it gave to the Diocesan Courts the power of granting probate in cases of small amount. In 1835 a Bill to the same effect was prepared, and leave was obtained for its introduction by the Attorney General, but owing to the change of Government, the Bill was not brought in. Later in the same year Sir John Campbell intoduced another Bill, in which the whole of the contentious and testamentary jurisdiction was transferred to one Queen's Court, but it proposed to give certain powers to the Courts of the Vicars-General; but that Bill never advanced to a second Reading. In 1836 a Bill was introduced by Lord Cottenham, which was a reprint of Sir J. Campbell's Bill, but a Committee of the House of Lords, to whom certain petitions from the Diocesan Registrars were referred, recommended that the Diocesan Courts should have jurisdiction in granting probate to the extent of 300*l.*, and that the Diocesan Registrars should be paid a salary averaging 500*l.* per annum each, but there was no recommendation as to whether they were to receive fees or what was to become of them. What the Committee did recommend was, that the Diocesan Courts should exercise some of the functions of testamentary jurisdiction. In the year 1835 a Bill was also introduced by Mr. Serjeant Goulburn and the hon. Member for the North Riding of

Yorkshire. That Bill proposed to give testamentary jurisdiction over a certain part of the Metropolis to the Prerogative Court of Canterbury, and proposed to establish as Local Courts certain of the present Ecclesiastical Courts, amounting altogether to forty. The effect would have been to have given to the Diocesan Registrars a large increased amount of fees. It made no provision for the abolition of sinecures. That Bill was not even read a second time, and he had mentioned these various Bills to show the great difficulty which had surrounded the question from its commencement, how entirely disappointed the expectations of successive Governments had been, and also to show, that though the jurisdiction of the Diocesan Courts had been to certain degree and more or less interfered with by these Bills, still that those Courts had been in all of them retained. Such was the effect of the Bill of last year also; so that from the first Bill of 1812, down to Lord Brougham's Bill of 1832, and in every Bill since, those Courts had been retained. The Bill of last year certainly proceeded very much upon the principle of the Bill of 1836, altered as it had been by the Committee. But the Church Discipline Bill having passed in the interim, the Bill of last year necessarily had to provide a tribunal for the trial of appeals in matters of Church Discipline—for the Arches Court, the Court of Appeal in such matters, ceasing to be the Court of the Archbishop, and becoming the Queen's Court, it would have been contrary to principle, that the appeal should still lie to that Court, that is, from the Bishop direct to the Crown, *omisso medio* the Archbishop. Being a Commons Bill too, it had to deal with sinecures and salaries, and consequently with private interests. Unfortunately, though that Bill received the sanction of that House upon the second reading, it was manifest that there was, both in that House, and also out of doors, a strong feeling against certain parts of it; and it was also quite manifest that a large proportion of those who voted for the second reading would have opposed the third reading unless considerable modifications were introduced. He believed that the noble Lord, the Member for London and other hon. Members were inclined to receive it favourably, but he likewise remembered that many hon. Members on either side of the House, announced their intention of opposing it on the third reading. At the same time, there existed a strong feeling that the jurisdiction of the Diocesan Courts in granting probates and administrations might be made advantageous and convenient to the public, provided they were reformed. It was thought by persons of great knowledge and experience, that these Courts, which had been coeval with the Constitution, were necessary for the maintenance and administration of clerical discipline, and it was considered impossible that they could be efficient for these purposes unless the Judges who presided over them and the Counsel who practised in them had business enough to engage their attention, and to induce qualified persons to practise in them. It had been said that abuses might have crept into those Courts, but they could be got rid of without destroying so much of their jurisdiction. The various opinions upon the matter which had been expressed led to a conviction that it would be impossible to carry the measure as introduced last year, with that concurrence which it was desirable to have in every great measure affecting the feelings and the practice of large masses of the community. It had therefore been determined in the Bill of the present year to retain the Diocesan Courts, leaving to them testamentary and contentious jurisdiction, and to endeavour, at the same time, to reform them. It had also been thought necessary to retain the Archbishop's Court as a Court of Appeal. The present Bill, framed upon those principles, accordingly proposed, in the first instance, to abolish, he believed, upwards of 300 Courts, which at present exercised contentious, testamentary, and voluntary jurisdiction. In fact, it destroyed the whole contentious, testamentary, and voluntary jurisdiction of all the Peculiar Courts; and upon the propriety of that step he conceived there could be no question. It proposed, in each diocese, that there should be a Diocesan Court, to which would be transferred the contentious, testamentary, and voluntary jurisdiction hitherto exercised by the Courts of Peculiars, which were to be abolished. It had been said that this Bill established two new courts, viz., the Court of Ripon and the Court of Manchester; but they could hardly be looked upon in that light, because, by constituting a see of Ripon and a see of Manchester, Diocesan Courts were created by operation of law. The Bill proposed to introduce great improvements in the Diocesan Courts. It proposed that the Judges should be advocates or barristers of a certain standing,

and should be approved by the Crown. That provision he thought a most important one, because it secured Judges of mature age, instead of persons just entering the world, and persons of sound legal attainments, instead of persons totally unacquainted with law. It also provided that these Judges should exercise their duties in person, and should be paid by fixed salaries; and it moreover provided that the proceedings and process and practice of the Court should be placed upon the same footing as the proceedings, process, and practice of the High Court of Admiralty. It is proposed to introduce the power of examining witnesses *viva voce*, of issuing commissions so to examine witnesses, and also to give those Courts the power of granting issues, thus introducing the trial by jury. It also proposed that a table of fees should be established, it being the intention of the Bill to give to the Queen in Council the power of establishing tables of fees, and rules of practice for all the Diocesan Courts. It was also proposed that the Registrars should be persons of legal education, and paid at fixed salaries; there should be no grants in reversion or remainder, no appointment of two persons to the same office—in fact, every single sinecure that existed at present in any Ecclesiastical Court was to be abolished. The salaries of the Judges it was proposed to fix according to the schedule annexed to the Act, and the salaries of the Registrars and other officers were to be fixed by the Lords of the Treasury. Another provision in this Bill was, that copies of all wills proved in the Diocesan or Archidiaconal Courts should, within twenty-one days after their approval, be transmitted to the London Court, and there be filed and registered. For the future, therefore, the London Court would contain a complete record of the contents of all wills and of all grants of administration. There was also a provision that all contentious suits might be sent by the Judge, either of his own accord or upon the application of either party—not of the plaintiff only, as at present—to the Court of the Province. In cases of smaller moment there was the power of reference by the Bishop to an Archdeacon, or a Commissary, specially appointed for that purpose. If after this trial of these increased powers and amendments the Diocesan Courts should still be found inefficient, they would be abolished with perhaps universal consent. As to the Provincial Courts, it was proposed to consolidate the Arches and Prerogative Courts of Canterbury, and also the Courts of York. Hitherto these different Courts in both Provinces had been presided over by the same Judge, attended by the same Bar, held in the same room, and to all intents and purposes had been one and the same Court. This Bill proposed to consolidate these establishments, to reduce them to one. It was intended also to provide compensation for all those whose offices were effected by this abolition; and it was proposed that the amount of compensation should be left to the Lords of the Treasury. Further provision was made, that the Registrars of the abolished Courts should send in to the Council lists of all wills, and that the Council should have the power of directing where those wills should be deposited. The Bill further provided, that all Probates and Administrations and Assignments under those Probates which were still subsisting, and were uncontested, but which might be void or voidable, by reason of jurisdiction, that the Courts from which the same had been obtained had not jurisdiction to grant such Probate or Administration, should be rendered valid. That was a very necessary step, because great confusion had been introduced by the multiplicity of Courts which previously existed. It was thought necessary that there should be, in consequence, a sort of general amnesty. The Bill also provided, in order to insure the careful custody and preservation of these documents, that the Registrar should periodically make Reports to the Secretary of State, and that the latter should direct the necessary alterations and repairs and surveys to be made in these registries; and to provide that the valuable documents therein should be duly taken care of. The Bill also proposed to repeal numerous provisions which had been a great source of vexation for many years, especially in the Country Courts; amongst others, it proposed to abolish all suits for tithes and defamation—brawling in any building, except in a church or chapel, all penalties for non-attendance on Divine Worship. These alterations would tend to remove to a great extent, if not entirely, the complaints of the exercise of oppressive jurisdiction which were occasionally urged. It provided, that the granting of Marriage Licenses should be confined to persons deriving their authority from the Bishops. That was the true principle of the Church; but in order to provide for the convenience and accommodation of the public, the Bishops, with the consent of Her Majesty

in Council, were empowered to authorise persons to grant licenses in certain districts. He left the House to consider whether this Bill were not a great practical measure of reform, by which upwards of 300 Courts out of 380, having the right to grant Probates of Wills were abolished. This Bill had received the sanction of the other House of Parliament, and he had not heard any objections raised against it. It was in every respect a step in the right direction, he was not aware that it interfered with the possibility of carrying out on a future occasion the recommendations of the Ecclesiastical Commissioners, if such a course should be thought desirable. He proposed to restore a Clause, which had necessarily been struck out elsewhere, enacting that parties taking appointments under this Bill should hold them subject to the future regulations of Parliament, and should not obtain any vested right in them, nor be entitled to compensation on any change taking place in the construction of these Courts. He called on the House to accept this large measure of reform, and not to reject it because it did not do all that was recommended to be done. It was better not to cast to the winds such an improvement in the hope of getting something more. He believed that the Bill did all that could at present obtain general concurrence. The right hon. and learned Gentleman concluded by moving the second reading of the Bill.

Sir *G. Grey* said, it was with some curiosity that he had listened to the reasons of the right hon. and learned Gentleman for moving the second reading of a Bill professing to be a Bill to reform the Ecclesiastical Courts, but which was in fact a Bill founded on a totally opposite principle to the Bill which the right hon. and learned Gentleman had obtained leave to introduce last Session. After the clear and able manner in which the right hon. and learned Gentleman had laid down the principle of the Bill of last year, the House, after a protracted debate, had affirmed the principle of the Bill of last year. He had listened, in vain, for any reason which could justify a departure from the principle of the Bill of last Session. The present Bill was utterly inadequate for the reform of the Ecclesiastical Courts. He had last year given his cordial assent to those parts of the Bill which carried out the suggestions of the Ecclesiastical Commissioners, and he had only differed from the Bill of the right hon. and learned Gentleman in its reconstructive parts; and in that respect he differed quite as strongly from the present Bill. He believed that a majority of the House was last year prepared to assert that the Reform in the Ecclesiastical Courts ought to be in conformity with the main recommendations of the Ecclesiastical Commissioners. He was prepared to stand by the recommendations of the Commissioners. He believed that the majority of last year had pronounced the doom of the Diocesan Courts, which the right hon. and learned Gentleman last year had condemned in emphatic language, and which he now sought to maintain in increased power, and vainly hoped to render efficient those Courts which had called down the censure of all who had examined into their workings as public nuisances, and as a means of inflicting utter ruin on individuals through their arbitrary processes. His grounds of complaints against the present Bill were, first, its utter inadequacy as a measure of reform; and next, the positive mischief which he believed this Bill would impose on the country by the perpetuation of Courts thus universally condemned. If this Bill were carried there would be no future power of removing these Courts. The right hon. and learned Gentleman said that this Bill was a step in the right direction. He conceded that the abolition of the Courts of Peculiars was a good step; and he agreed that the abolition of the jurisdiction of the Ecclesiastical Courts in the cases of tithes, defamation, and smiting, was a great advantage; but he believed that if they now established thirty-five Ecclesiastical Courts to continue in operation, with Judges not receiving miserable salaries (though the right hon. and learned Gentleman had not told them what the salaries were to be), but salaries sufficient to attract men of character and standing at the Bar, amongst whom these appointments would rest in order to give these Courts that respect which the right hon. Gentleman hoped they would acquire, they would thereby establish a most formidable obstacle to any further reform in these Courts. The right hon. and learned Gentleman had only transiently alluded to those authorities which he had last year quoted in favour of the abolition of these Courts. The right hon. Gentleman had last year referred to the Ecclesiastical Commission, appointed by the Duke of Wellington in 1829, and which made its Report in 1832. It was hardly necessary for him to call the attention of the House to the names of the dis-

tinguished individuals appointed to serve on that Commission. The Commissioners had all concurred in condemning these Courts in terms as strong as could be employed. The authority of these Commissioners had been last year quoted triumphantly by the right hon. and learned Gentleman. In addition to the Ecclesiastical Commission, there was the Real Property Commission, which had recommended the abolition of those Diocesan and Ecclesiastical Courts. A select Committee of the House of Commons had similarly reported, and a Committee of the House of Lords, in 1836, had made a Report which contained a summary of the whole question. In 1836 a Bill had been introduced into the House of Lords similar in its detail to the Bill of last Session, and various Petitions had been presented against it by that very interest out of the House to which the Government had, it appeared, given way on this occasion. This Committee had been appointed to consider that Bill, and how far it was desirable to preserve the Diocesan Courts, and they had reviewed the different authorities on the subject, and they had recorded in the most emphatic terms their concurrence in the views of the previous authorities as to the abolition of the Diocesan Courts, and their opinion that all Courts for the granting of probates in England and Wales should be abolished, and one Court be appointed for the granting of administrations. In introducing his Bill last year the right hon. and learned Gentleman had shown the original grounds for the Ecclesiastical Jurisdiction of these Courts had entirely failed. Their jurisdiction in testamentary cases had originated in superstition. The professed object of administering for persons who died intestate was for the welfare of their souls and to prevent, as it had been called, "their sinning in the grave." The right hon. Gentleman had last year also shown that the reasons for the Jurisdiction of these Courts in matrimonial cases had entirely failed, and that the jurisdiction in these cases ought to be removed to some more competent tribunal. After shewing that in testamentary cases the amount of property under the jurisdiction of these Courts had greatly increased, and the right hon. Gentleman said—

"Suitors in Courts in which questions affecting property to such large amounts were raised, ought to have the advantages of able Judges, instructed by able counsel, and practitioners constantly engaged in such matters, attending Courts where questions relating to them were publicly discussed and decided, and in which there was sufficient business to keep up their knowledge of law. The want of such a tribunal occasioned discontent and dissatisfaction—miscarriage of justice; multiplication of appeals were carried on to a final hearing, which a properly appointed Court would have decided on points preliminary to the merits of the case."

It was obvious that questions of the greatest nicety might be decided in these Courts; and he asked the right hon. and learned Gentleman whether he sincerely believed that, by adding the Clauses he proposed, he had secured Judges of the character he described? and whether he had secured a Bar such as he held to be essential to the due administration of justice in these cases?

"Where," as he truly said, "abilities of the highest order are required, a great knowledge of the law and principles of evidence, great power of sifting and weighing testimony, and the correct adjudication of which required an accurate knowledge of human nature, and of the springs of human action."

The right hon. Gentleman had said, that the present Measure was only an experiment; he hoped, however, that the House would not assent to the principle of the Bill. He would venture to say, on the authority of the right hon. Secretary for the Home Department, that the principle of the Bill of the present year was essentially different from the Bill of last year. That right hon. Gentleman thus spoke of the principle of last year:—

"The Bill has not been brought forward prematurely, nor without ample preparation on the part of the Government; and I should only be guilty of deception if I were to lead any one to believe it possible that I could change my views respecting this Measure."

The right hon. Gentleman also said,

"The principle of the Measure is the concentration under a Judge appointed by the Crown, of the supreme jurisdiction in matters testamentary and matrimonial."

He wished to call the attention of the House to this important principle involved in the Bill of last year, and ask them whether even a shred of this important principle of the Bill of last Session was retained in the measure before the House. Instead of adhering to this, the judges were not to be appointed by the Crown, but by the Bishops, and the only qualifications required was, that the judge should be an

advocate or a barrister of five years' standing. The right hon. Gentleman (Sir J. Nicholl) now seemed to think that this qualification of standing at the Bar would be sufficient to ensure efficient judges, and that there would be a sufficient check in removing those judges on the Address of both Houses of Parliament. He would ask whether, from the nature of the business before these Courts, they would be enabled to get competent Judges, aided by an efficient Car, to sit in these Courts? This matter had not been overlooked by the Commissioners in 1832, in referring to the present constitution of the Diocesan Courts. In their Report he found it stated:—

"In the course of our inquiry we became early convinced of the impracticability of having Judges duly qualified, together with a competent Bar and skilful practitioners, to administer in the Diocesan Courts, the testamentary and matrimonial laws, which involve matters of such very high importance to the parties litigant and the public. The returns which have been obtained from the Diocesan Registries, show that the annual amount of business, and the emoluments of the Judges and other officers and of the practitioners in these Courts, make it impossible in the greater number of dioceses that efficient Courts can be maintained. This is a defect which, if it cannot be removed, outweighs all the advantages that may sometimes attend the exercise of episcopal jurisdiction within the local limits of the respective dioceses."

It appeared that the question of the constitution of these Courts had been maturely considered by the Commission, and the conclusion that these eminent and learned men arrived at, was, that the reform of these Courts was impossible, and that the abolition of them was absolutely necessary, for the amount of business was not such in any of them as to give a good Bar, without the presence of which an otherwise good judge would degenerate into a bad one, and, therefore, would never effectually or satisfactorily administer the law. The number of cases which came before these Courts on an average, did not at the date of the Report, amount to above one in the year for each of those Courts throughout the country, and there was every reason to believe that the number of causes had not increased since that time. This one case, however, might be a heavy one, which would require, for a proper decision, the highest experience on the part of the Judge, and a most learned Bar to argue it. But the Judge of each of these Courts would have all the powers of committal now possessed by the Superior Courts. It is proposed by the 33d clause of the Bill, that the Chancellor of each diocese shall have the same powers by the attachment and committal of the person to any of Her Majesty's gaols, and subsequent discharge of every person committed, as by any statute, custom, or usage, belong to the Judge of the High Court of Admiralty; and again, "that upon the Judge of any Ecclesiastical Court, having pronounced any persons contumacious, and in contempt, a writ *de contumace capiendo* shall issue." This was a very formidable power to give to a Court constituted as these would be under this Bill, and exercising its jurisdiction in some remote County-town, where there was no Bar to check the conduct of the Judge as there was in the Superior Courts. He thought that the House should hesitate before it gave such powers to Judges of such a description as would be created by this Bill. He not only complained of the essential difference between this Bill and the Bill of last year, but he also complained of the conduct of the Government respecting it, that it had been stated by the highest legal authority in another place, that although the Bill of last year was acceptable to the other House, that it was not so to the House of Commons. Now the fact was, that the alteration that had been made in the Bill of last year was not the result of the deliberate opinion of the House of Commons. The principle of the Bill received the sanction of the House on the second reading by a majority of nearly a hundred, and although some of that number might object to many of the details, yet the great principles of the Measure were agreed to by the House. The right hon. Gentleman, however, went into Committee on the Bill, *pro formâ*, for the purpose of introducing alterations, and when the Bill afterwards came under the notice of the House, it was an altered Measure altogether, the principle completely extracted and the ground was cut from under the feet of those hon. Members who supported the second reading of the Bill. It was rather extraordinary after the course taken by the right hon. Gentleman on that occasion, that a complaint should be made of the House of Commons that it would not sanction or give support to such a Measure. There was another topic of great importance, which had been referred to by the Ecclesiastical Commissioners, and on which this Bill was defective. The Commissioners in

their Report complained much of the evils of the state of that part of the law called *bona notabilia*. By the Bill of last year, the whole of this would have been got rid of, but it would be preserved and perpetuated if this Bill became law. The Ecclesiastical Commissioners said on this subject:

"The law on the subject of *bona notabilia* is extremely complicated and ill defined, but we do not deem it necessary to enter into any minute discussion of the principles on which it is founded, nor the decisions which have occurred; it is sufficient to say, that in all cases where probate or administration is taken out in any Court within the province of Canterbury, except the Prerogative Courts, or perhaps, a Royal Peculiar, and in some cases other Peculiars, if it should afterwards appear that the deceased died possessed of *bona notabilia* within another jurisdiction the probate or administration is null and void. *Bona notabilia* are said to be constituted by the possession of personal property to the amount of 5*l.* in another jurisdiction. In some of the older cases there are many nice discussions as to the amount and mode by which *bona notabilia* shall be determined, but the general rule is sufficiently illustrative of the existing state of the law."

But it appeared that the highest legal authority in the other House of Parliament, although he admitted the evils arising out of the state of the law with regard to *bona notabilia*, added, that the abolition of those evils would require the abolition of the Diocesan Courts also. Therefore those evils were to be continued, although they were so loudly complained of and had been complained of for centuries. One defence for these Diocesan Courts was, that, from their local situation, parties would rather go to them than be compelled to come up to London. One glance at the position of such places as Bangor, Peterborough, St. David's, Rochester, and Chichester, as regarded the rest of the places in the respective Dioceses, would be sufficient to dispel the opinion and show that it was wholly imaginary. Some of the Diocesan Courts were eighty miles from other places in the same Diocese. But in every point of view this argument was unfounded. The fact was, that people did not themselves go to the Court to prove a will, but they sent instructions by post, and by the present rapidity of communication, and reduced rate of postage, a probate could be taken in London, in most cases, with greater convenience than in the Local Diocesan Court. He must also complain that no option was left to parties to prove wills in London under this Bill. Now, as to the expense that was to be incurred under the Bill. He had already pointed out several of the evils which resulted from the existence of these Ecclesiastical Courts, and he should like to know the price they were to pay for abandonment of principle in order to continue them. The right hon. Gentleman had stated that he should propose Clauses to be inserted in this Bill, to give salaries to the different persons to be appointed under it, as it necessarily came down from the other House without such Clauses. He thought that the House, before it was called upon to sanction the second reading of the Bill, should be informed of the expense likely to be incurred under it. But the right hon. Gentleman told them that Peculiars would be abolished by this Bill; and he urged the House not to forego such a desirable improvement, which must be the case if it rejected this Bill. He admitted that if the Bill had been brought forward only for that specific object, it might have been right to support it. But this was not the case, for it created a number of new Judges for the Ecclesiastical Courts, and created new interests which would tend to perpetuate all the evils existing under these Courts. If the right hon. Gentleman would bring in a Bill reciting in its preamble the recommendations of the Ecclesiastical Commissioners, and the desirableness of carrying them into effect—but that the Government was unable to accomplish, owing to a powerful interest out of doors to which Her Majesty's Ministers, on this question, thought it necessary to succumb—and would limit the Bill to only one or two objects, without pretending to call it a Bill for the Reform of the Ecclesiastical Courts, then there might be some hope that it would not prevent the future reform of these Courts. He could not help feeling that the right hon. Gentleman must agree with him that if they passed the Bill in its present form there could be no hope of seeing these Courts abolished during either of their lives. He had been told to take this Measure as an instalment; but it was clear from the language of Government, that if they carried this Bill, there was no intention on their part to endeavour to carry further measures on this subject, and he believed that the only effect of it would be that, at the end of the Session, it might figure among measures for which the Government would claim credit as one of Legal Reform. He, however, looked upon

the Bill as precluding all hope of effectual reform, and for the reasons which he had stated, he felt bound to move that it be read a second time this day six months.

Sir *R. H. Inglis* said, his right hon. and learned Friend who had just sat down, able and eloquent as he always was, had failed in this instance to convince him of the propriety of the course which he had recommended to the House. The speech of his right hon. Friend who introduced the Bill made him hesitate as to how far he could concur in the vote which was asked. His right hon. Friend had said that this was a step in the right direction, and the phrase was repeated by his right hon. Friend opposite (Sir G. Grey.) His right hon. Friend who introduced the Bill encouraged Gentlemen opposite who were likely to be his opponents, by telling them it was possible that he might revert even to the Bill of 1836, and, generally speaking, gave the House to understand that though this was a measure of great reform, it was not a measure of such complete reform as even he himself wished. If he could feel that the present measure was merely an instalment—if he could feel that it was only a step in a direction right or wrong, and not promising to be a final decision on the question, the vote which he would give would be different from that which he came into the House to give, and which, up to that moment, he hoped to be able to give. His right hon. Friend said the Bill was a great improvement, but on what ground did he support that statement? chiefly on the destructive character of the measure. He said it would destroy more than 300 Courts at present existing: yet that concession, great as it was, was not all sufficient to appease the appetite for destruction which his right hon. Friend opposite indulged. His right hon. Friend would not be content till every fragment of Ecclesiastical jurisdiction was destroyed, and his right hon. Friend would probably be supported, at least, by all those who sat on the same side, unless they were possessed of the self-denying spirit of Cromwell and his associates. He had objected to the measure of last year, on the ground that it centralized all business in one Court, while it destroyed 380 Courts, establishing one great centralized Court, by the destruction of 380 Local Jurisdictions. He then contended that it was a most inconsistent course for hon. Gentlemen on the other side of the House to pursue—that men who were professedly the advocates of bringing cheap justice to every man's door, acted inconsistently in endeavouring to destroy those Courts which were established in every diocese and county in the Kingdom, for the decision of testamentary and matrimonial suits. There might have been some abuses, but the real test of abuse was an appeal against the decision of some of these Courts. His right hon. Friend had spoken with great force—and he hoped with more force than effect—on the evils existing in those Courts, but could his right hon. Friend or any other hon. and learned Member allege any large proportion—he might almost say any single instance—but that would be carrying the assertion far beyond what was necessary—of appeals maintained against the decisions of the Courts which he was anxious to destroy. In the case of one of those Diocesan Courts which it was proposed to retain, and the retention of which was as great a grievance in the eyes of his right hon. Friend as the creation of two new Diocesan Courts—in that Court (the Diocesan Court at Exeter) only three decisions of the Judge who had presided there for twenty-three years had been reversed. Could so much be said of the Court of Chancery? He had heard of statements being made in another place, to the effect that the Ecclesiastical Courts had, by the delay and expensiveness of their proceedings, become a positive nuisance; and he could not help thinking that the individual who had made that observation must have known that there was another institution in England which had been complained of by the people for two or three centuries, on account of the suffering and inconvenience arising from the expense and dilatoriness of its proceedings. From no man, and least of all from a Chancery lawyer, and one who had been a Lord Chancellor himself, could the expression come with less propriety, that the Ecclesiastical Courts had been a burthen to the people of England, from the delay and expence of their proceedings. He trusted that before the close of the debate the House would have an assurance from some Member of Her Majesty's Government that this Bill was not a step in any direction; but a Measure which would remove the difficulties and consult the substantial grievances of the people of Cornwall and Cumberland, as well as those of London. He should be content if he were told on such an authority that the Measure was not merely an instalment, but the full payment of a debt; for he could not accept the Bill if he were told that it was merely a

step in advance, and that perhaps next year the Bill of 1836 or 1843 would be reverted to. Believing that the Bill was introduced by the Government with an honest intention of serving the country, he should not oppose the second reading; but he could not conceal from himself that the Bill went much further than he could desire. The existing Courts, he thought, might be preserved in some parts of their Administration, and altered in others, with great advantage to the country. He would give the option to parties in the country to choose whether they would register wills in the local Courts, at Bodmin for instance, or in the central Court in London. That would give the public all the advantages of centralization, without the balance of disadvantage. That would also obviate the difficulty arising from the inconvenient distance between the extremity of one Diocese and the seat of the Diocesan Court, as noticed by the right hon. Gentleman opposite. He would also suggest that there should be an index of wills formed, and kept in London, but did not think a bodily transfer of the wills themselves at all necessary. He would make another suggestion, and he thought its adoption would give satisfaction, and that was, that there should be an index, not merely of wills, but of legacies. At present there was no security for legatees. They might never know their rights, and it was clear that the Stamp Office afforded legatees no protection, because so long as the Legacy Duty was paid, the Stamp Office was indifferent whether the legacies were paid or not. Now, in the way of legal reform, he submitted that the establishment of an index for both wills and legacies would be a great improvement. There was another suggestion which he had to offer, and it might be incorporated in the present Bill, and that was the construction of some Court competent to revise the proceedings of local tribunals. While, however, he considered that the formation of such a Court would be beneficial, he still adhered to his objection against the system of centralisation; and what he meant was, that a Court of revision should be established, for the purpose of rendering uniform the practice in all the local Courts. An objection which he had to the present Bill was, that the Judges to be appointed under it were to be paid by salary, and not to be remunerated as at present by fees. It was said that the incomes derived from fees were too large: but although they might be large, still they knew that those who did the work were the parties who received the remuneration. It might be otherwise if salaries were given. Those whose duties might not occupy more than an hour or two in the day would, perhaps, receive large incomes, while those who really did the work, who devoted their whole time to the discharge of their duties, might be inadequately paid. He considered that granting salaries in such cases was a misapplication of the public money. He had another objection to the present Bill, but in this he was not supported by his right hon. Friend the Member for Devonport, or the hon. Gentlemen on his side of the House: and that was, that the tendency of this Measure was the gradual withdrawal of the name and influence of the Church from the Ecclesiastical Courts. It was true the nomination of the Chief Judge of these Courts was to be left to the Metropolitan of all England, and that the Bishops of the several Dioceses were to have the nomination of the Judges of the Diocesan Courts. Their choice, however, was to be limited. They would not be at liberty to appoint any except laymen, or any laymen except advocates or barristers of five years' standing: and barristers to be substituted for the Clergymen who now presided in the Diocesan Courts might be members of the Church or belong to any other sect. He disapproved of this limitation of the discretion of the Bishops, and he asked whether any one would assert that the decisions of any Barrister of five or of ten years' standing would give as much satisfaction as those of Chancellor Bruce Knight, or Chancellor Martin, of Exeter. It was, he admitted, possible that Judges might have been appointed who were not competent, but still, as there had been no complaint of malversation, or, he should rather say, incompetency, he thought that the discredit thrown on these Judges by this Bill might have been spared. Not only did they propose to destroy the Diocesan Courts, which had existed for centuries, but they deprived the Archdeacons, whose inquisitorial rights were to be preserved, of all power to enforce their sentences. On another point, he contended that wills ought not to be transferred. He thought that the transfer of copies would answer the purpose, but he perceived that by the 41st Clause power was given to Her Majesty in Council to transfer wills either to the Arches Court in London, or the Diocesan Courts which

were to be retained. This lurking design would not be apparent to those hon. Members who looked only to the marginal note: and he contended that the House ought not to concur in such a proposition, because it was a needless violation of the existing practice. Reference had been made to a statistical table to show that the existing local Courts had no suits, and it had been said, that Courts in which there were not more than one or two causes per annum, ought not to be perpetuated. He, however, denied the accuracy of this table. It related to contested suits alone, but omitted all mention of the uncontested business, and that was, in fact, the important business, the business which proved the usefulness of these Courts. They should recollect that if they destroyed 350 of these Courts, and left only 32, that the whole of the business would have to be transacted by the Courts allowed to remain. He had now referred to some of the details of the Measure, although, should the Bill get into Committee, there were certain points arising out of several of its Clauses, which it would be his duty to notice. With respect to the general principle of the Bill, he looked upon it with different feelings from those which he entertained in reference to the Bill of last year, because it continued the name and authority of the Church in all testamentary proceedings. This was an improvement in the Bill of last year, and there might, perhaps, be other improvements; but still he should object to any Measure that militated against the connection between the Ecclesiastical and civil authority of the Church in testamentary causes. He hoped he should be assured by his right hon. Friend, the Secretary of State for the Home Department, that this Bill was to be considered, not as an instalment, but a final Measure in reference to the whole system of Ecclesiastical Jurisprudence, and then and not until then, should he vote for the second reading of the Measure.

Lord *R. Grosvenor* said, that having been one of those who had assisted in destroying the Bill of last year, he thought it right to explain the vote which he should give on the present occasion. He was supported in his opposition to the Bill of last year by the hon. Baronet the Member for Oxford, and was sorry to find that he could not hope for his assistance in preventing the present Bill from passing into a Law. The hon. Baronet complained that they were gradually removing from the Ecclesiastical Courts the jurisdiction and authority of the Church; but so far from joining the hon. Baronet in that complaint, he (Lord R. Grosvenor), although as much attached to the Church as the right hon. Baronet, considered that the removal of all contentious jurisdiction would be a real benefit to the Church. He was happy that the right hon. Gentleman at the head of the Government had entered the House (with other of the Cabinet Ministers) for the state of the Treasury benches previously had appeared to indicate that the Government were so ashamed of their Measure that they left their Judge-Advocate-General to defend it as he best could. They had every reason to be ashamed of the Measure assuredly, and the only excuse they had attempted, namely the opposition offered to the Bill of last Session, would not avail them, for the opponents of that measure had not objected to the abolition of Ecclesiastical Jurisdiction in civil matters, but to the abolition of Diocesan Registries. He denied that the Bill of last year had been opposed on factious grounds, for every objection had been stated in minute detail in order that there might be no misunderstanding on the subject, and why it was now to be inferred that their opposition to it was based upon the fact of its abolishing the Jurisdiction of Ecclesiastical Courts in civil matters he could not conceive. What he had then struggled for was the convenience of the people, and what he had then stated, as the House would recollect, was, that the Registrars of those Courts would be satisfied if the common form business were left with them, and the contentious business removed. Now what defence could be set up for preserving in this Bill all the evils of *bona notabilia*, why would they not allow the parties to be at liberty to take out probate either where the person died or in London? That would be a great public advantage. The fact however was, that the hon. Gentlemen opposite feared, if this proposition were adopted, the Courts at Doctors' Commons would have nothing to do. If his right hon. Friend the Judge Advocate would consent to take the advice of so humble an individual as himself, he would suggest to him a plan which should enable him to provide for all the existing officers without compensation, and it should have the additional merit of causing very little opposition, and it was this. There was a great want of registries, not only for

wills, but for deeds relating to real property throughout the country; let him instead of re-constructing bad Courts, make the present Courts places for the registry of all wills and deeds connected with property generally, and he would effect more real good than by any Law in reference to property which they could pass. It should be borne in mind that the objections to the registration of deeds was not directed against local registries, but because the effect of a central registry would be, it was feared, to bring the whole of the business of the country to London. His constituents were interested in this Measure, but all they wanted was, that the common form business should continue in the local registries. Government might succeed in passing the measure through the House, but it should never have his consent so long as it contained its present most obnoxious and utterly indefensible provisions.

Sir *J. Graham* said, that before the House came to a division, it was only right that he should have the honour of addressing them, and particularly after the part which he had taken in the former discussions on this subject. Before he adverted to the general principles of the Measure, he deemed it necessary to make some comments on what had fallen from the noble Lord. The noble Lord was in favour of the general registry for deeds as well as of wills, and he therefore proposed that the registries attached to the Diocesan Courts should be converted into general registries for deeds and wills relating to the title to property, Real and Personal. This proposition would place the title deeds of the laity under the custody and charge of Ecclesiastical authorities throughout England. Now, this was going somewhat farther than the hon. Baronet, the Member for Oxford, and, in passing, he must observe, that the constituents of the noble Lord, who were interested in this Measure, were willing if the common form business were retained to them, to allow the transfer of the contentious business, or, in other words, to keep the profitable part of the business, and transfer the unprofitable to any other tribunal. The proposition of the noble Lord was perfectly intelligible, and would therefore be perfectly understood by the House. He should now comment on what had fallen from his hon. Friend the Member for Oxford. His hon. Friend put it to him to say whether this Bill was intended merely as an instalment, or as a permanent Measure, and he did not hesitate to state to the House that he retained all the opinions which he had expressed in reference to the policy of the Bill of last year, and that he greatly preferred that Bill to the Measure now under discussion. He thought it more expedient that where there was litigation respecting testamentary matters, that litigation should be placed under a responsible jurisdiction, should be decided in a Court where the Judge was nominated by the Crown, and sitting in London, surrounded by an extensive and learned bar. That was the principle which he preferred; but if his hon. Friend asked him whether there was to be any further legislation on this subject, he could only say, and he should say so frankly, that according to the experience which he had had of Ecclesiastical Court reforms, his belief was, that if this Bill passed, as far as he was concerned, he was not likely again to meddle with this thorny subject during the remainder of his life. Although he said this, he was bound also to state that he meant to propose a Clause having for its object the affording of facilities for ulterior changes. The Clause to which he alluded would notify, that parties who entered the profession of Proctors at Doctors' Commons hereafter, would have no claim for compensation, in the event of future changes taking place. This, however, he frankly told his hon. Friend, was not the Bill which he desired; but still he believed that all experience — the experience of Lord Grey's Government, and of the late as well as of the present Government—proved that it was as great and as salutary a change as any Administration could possibly hope to carry. There were one or two matters of detail which he would now notice. His hon. Friend, the Member for Oxford, wished to have an index of legacies, and he could assure his hon. Friend that the Government had not neglected that part of the subject. They had made inquiries with regard to the point, but the result of those enquiries was a conviction that so far from being beneficial such a plan would be productive of the worst consequences. Parties having no real interest would pry into these indexes, would institute vexatious suits, or fraudulently set up claims founded on simulated pretensions. His hon. Friend also declared that the Judges should be paid by fees and not by salaries; but in this he differed from his hon. Friend, because his belief was, that salaries rendered Judges independent in the exercise of their functions. What did the House think was the salary

of the Judge of the Prerogative Court, arising from the causes tried before him that were contentious suits? Why, only 80*l.* a year, while the income which he derived from fees, or what was termed common form business, amounted to 3,000*l.* This clearly showed that the present system was wrong, and respecting as he did the judicial office, he thought that the Judges should receive salaries rather than be dependant on fees to this large amount in common with the practitioners in their Courts, for their remuneration. His hon. Friend had commented on the Clause respecting the transfer of original wills, but he overlooked that the whole object of this was to prevent those wills from being destroyed, by having them removed from the Peculiar Courts which were to be abolished, to either the Arches Courts or the Diocesan Courts, which were to be retained. He now came to the observations of the right hon. Baronet the Member for Devonport. The right hon. Gentleman said, that this was an inadequate measure, and that it was inadequate because of the perpetuation of the Diocesan Courts. He had already stated that he preferred the Bill of last year; but, at the same time, the experience which he then acquired convinced him that it would now be impossible to carry any such measure, and hence no attempt to carry it was made. The noble Lord the Member for Chester stated, that he was one of those who destroyed the Bill of last year, and in this, he frankly admitted, the noble Lord was right; for, although there was a numerical majority in favour of the Bill on the second reading, yet the whole discussion showed that it would be impossible to carry it in its ulterior stages. The right hon. Baronet had given notice of his intention to move that the Bill should be referred to a Select Committee, and a petition was presented from the Law Society, praying that instead of such a measure, the recommendations of the Real Property Law Commissioners should be adopted. He was always anxious to preserve a Bar of civilians, and the inquiries which had taken place in reference to the Admiralty Court some years back, when the Chief Justice of the Common Pleas was examined, satisfied him of the necessity of having a distinct tribunal for the decision of testamentary causes, and maintaining the rights of the existing Bar at Doctors' Commons. He thought it was a national object of great importance to have a Bar versed in the civil law and the maritime law; this could only be attained by maintaining a body of learned gentlemen in constant practice in that Court. He thought, so far from such a distribution being impolitic, that sound policy recommended it. His hon. Friend the Member for the University of Oxford had talked of the despatch of business and of cheap equity, but without disparagement to Doctors' Commons, that expedition and cheapness, might be sought in Doctors' Commons as well as in the local Ecclesiastical Courts. He had stated last year that he felt that there was some incongruity in the Government proposing to establish local Courts for the more easy settlement of small debts, and yet with respect to matters testamentary, absolutely abolishing local jurisdiction. He stated then that much might be argued in favour of Diocesan Courts, and with respect to the "Peculiars," he thought that even his hon. Friend the Member for the University of Oxford had almost abandoned their defence. By the Bill now before the House the means were afforded of abolishing 350 of those Peculiar Jurisdictions. He admitted that by retaining the Diocesan Courts they still retained the great imperfection with respect to *bona notabilia;* but so far as they diminished the number of these Courts they so far diminished that evil, although they did not remove it altogether. It had been argued by the hon. Member for Devonport that the amount of contentious jurisdiction in these Courts was small. He (Sir J. Graham) admitted that it was true that a great mass of personal property under this jurisdiction was funded property; and therefore locally situate in London, and subject to the exclusive control and jurisdiction of Doctors' Commons; but everything in the Bill of last year in that respect was accomplished by the present Bill, and everything with respect to funded property must be transacted in Doctors' Commons, as heretofore, in the presence of an able Bar, and in the presence of a Judge, whose fitness for the office was guaranteed by his appointment subject to the approbation of the Crown. With respect to Diocesan Courts, contentious jurisdiction would be no longer exercised by those Courts except by lay Judges, learned in the law, and duly qualified. There were various advantages contained in this Bill which had been enumerated by his right hon. Friend the Judge Advocate, and he thought that very great improvements would be obtained from

the measure in its present form. All the "Peculiars," and all the Consistorial Courts would be abolished; all the Archdeaconry Courts would be abolished, with very few exceptions, and the number of local Courts now amounting to 380 would be reduced to about the number of thirty-five. With respect to the jurisdiction, all the jurisdiction with respect to tithes would be abolished, and with respect to some minor offences regarding the Church, the jurisdictions would be materially diminished. With respect to "donatives," by a peculiarity in the law respecting donatives, the ecclesiastics appointed to donatives were not under ecclesiastical control as other ecclesiastics were, but by the present law donatives were placed on the same footing as other ecclesiastical appointments. He had already stated the power to be exercised by the Crown with respect to the Judges to be nominated; and with respect to fees, the power of regulation had been left to the Queen in Council. All sinecures were abolished by the Bill, and ample security taken for a perfect registry; every quarter of a year either the original will, or copies, or extracts, were to be remitted to Doctors' Commons, and ample security would be taken that there should be in Doctors' Commons a registry applicable to all wills throughout England and Wales. Then with respect to the safety of the registry in the different dioceses, a power was given to the Secretary of State to have reports made to him as to the places of registry, and if the place was insecure or unfit, a power was given to the Secretary of State to provide that the place of registry should be made more secure, and to be approved by him. Upon the whole, although he could not state that this was so complete a measure as that which he had submitted to the House last Session, yet it was nevertheless a measure which must be considered a great improvement upon the existing law; and with respect to the total transfer of local jurisdiction to central authority, it was a matter on which, in a representative Government, the feelings of the constituencies of the country, as reflected in that House, must be viewed with deference by any Government when no great principle was to be violated, and when a great change was for the first time to be introduced. Now, he saw in the present Bill no violation of principle, but rather an adaptation of the principle of the Bill of last year in conformity with the expression of public feeling. He did not feel that it was derogatory to the Government to yield to that conviction, and without hesitation he would undertake to recommend the Bill to the favourable consideration of the House. With respect to the details, he should be willing to attend to any suggestions from any quarter of the House. He confidently expected that this Bill, coming down to that House recommended by the House of Lords, would receive the assent of the House of Commons. This was a vast and intricate subject, which involved many, and various, and conflicting interests, and he thought that, as the best measure which there was any probability of being able to carry, the present Bill would be found a great improvement on the existing law, and would be productive of great public advantage.

Lord *R. Grosvenor* explained. What he had recommended was, that, in addition to the present registration, there should be a general registration of all deeds connected with property.

Lord *J. Russell* said, both the right hon. Gentleman who moved the second reading of this Bill and the right hon. Gentleman who has just sat down have stated that this was an exceedingly difficult subject to deal with by legislation. It must not be forgotten that the right hon. Gentleman the Secretary for the Home Department stated last year to his opponents that he had no hope that he could alter his mind on this subject—that he had given it the gravest consideration, and that he was persuaded that the plan he then proposed was the best that could be adopted, and that he felt bound to adhere to it. The right hon. Gentleman the First Lord of the Treasury spoke with just pride of the exertions which he had many years ago made for the improvement of the law, and he stated that after he had endeavoured to accomplish other legal reforms, he had proposed a Commission to inquire into the constitution and character of the Ecclesiastical Courts, and that he was glad of the opportunity—being again in power—to carry into effect the recommendations that had been made on this subject by persons of the highest authority. Accordingly, the Bill of last year proposed to carry into effect the plans recommended by persons of the highest authority of every description, and that Bill was carried through its second reading by a majority of more than eighty. That Bill was never again brought seriously under the discussion of the House—it was totally altered in a Committee *pro formâ*,

and the Judge Advocate and the Secretary for the Home Department have risen to-night to defend a Bill altogether opposed to it in principle, the right hon. Gentleman having altogether abandoned the Bill which last year he had made up his mind to defend and stand by. When the right hon. Gentleman (Sir J. Graham) tells us that the present Bill comes to us recommended by the authority of the House of Lords, so far as we know from the public reports, it appears that every person of authority on the subject in the House of Lords spoke against the principle of this Bill, and the only reason alleged for keeping up the abuses of a defective system was, that the House of Commons would not consent to the abolition of all the existing abuses. Now, if ever the position of any hon. Gentlemen was humiliating in passing from the consideration of a Bill, it is the present position of the hon. Gentlemen opposite. Having run away from the shadows of difficulties which they fancied they would have to encounter—they now have the House of Lords throwing the entire onus of what was wrong and defective on the House of Commons, there being nothing in the conduct of the House of Commons, whereby they could justify the abandonment of their own Measure of last year. The right hon. Gentleman told us that some of the Commissioners had changed their minds, and that some Members of this House who had voted for the second reading of the former Bill had declared that they had changed their minds on the subject, and would vote in opposition to its future stages. But who were those Commissioners, or those Members of this House, who had changed their minds the right hon. Gentleman did not tell us; so that we have the change of opinion of those anonymous persons opposed to the great authority of Lord Tenterden, of Sir N. Tindal, of Lord Lyndhurst, of Lord Denman, of Lord Cottenham, of Lord Campbell in the Law, and in the Church, of the Archbishop of Canterbury, of the Bishop of London, of the Bishop of Lincoln, of the Bishop of St. Asaph, and of the Bishop of Durham; and, in addition, of Doctor Lushington, of Doctor Nicholls, and of Sir H. Jenner. Opposed to this array of great authorities we have some anonymous Commissioners supposed to have changed their opinions, and some Members of this House who are said to have stated that they would not persist in supporting the former Bill. My hon. Friend the Member for the University of Oxford has expressed himself very much opposed to the diminutions of what he thinks the due weight that ought to be given to the ecclesiastical tribunals, and their just share in the institution of the country. This is a very natural objection on the part of my hon. Friend, and in consistence with his views on such subjects; at the same time I do not think that the principle of those institutions rests on any solid ground of reason, and never were men more justified than the Ecclesiastical Commissioners of 1829, the Commissioners of Real Property, in 1833, and the Committee of the House of Lords, in 1836, in saying that a change ought to take place with respect to the mode in which those matters of law are conducted. If we endeavour to search into the origin of those tribunals we find that at the commencement of the fourteenth century there was an usurpation on the part of ecclesiastical persons—on the part of the Pope's legate, and persons of at that time great authority in this country. They for some cause or other, and by some means or other, obtained the control over all property left by will. This was not in conformity with the ancient law, nor is it in accordance with reason — that when a person is left property in the Three per Cents., this property should be governed by the maxims of the fourteenth century, which in this respect were governed by the Papal usurpations in this country. It is obviously in accordance with all rational principles that the ecclesiastical authorities ought not to have power in these matters, and this principle the Ecclesiastical Commissioners endeavoured to establish, that these matters should be dealt with in a Court in which there should be Judges nominated by the Crown, and that this Court should have the chief disposal and legitimate authority with respect to those matters of personal property and the probate of wills. It is worthy of consideration whether you should go still further and make this Court similar to the Court of Chancery, and Courts already in existence, where personal and real property should be considered at the same time, and subject to the same decision. These further questions might be considered in a plan of reform; but the first question to be considered is, whether these are matters for an ecclesiastical tribunal, and to be decided by ecclesiastical authority, or whether they should be decided upon by Judges appointed by the Crown and subject to the

same rules that regulate other civil matters. The right hon. Gentleman seems to agree with me that they should be left to the adjudication of a Judge appointed by the Crown, and that this should be a Civil Court. And all the authorities I have stated are in favour of this plan. The right hon. Gentleman who moved the second reading of this Bill went through a summary of the proceedings of last year, and referred to the proceedings of the Ecclesiastical Commissioners—of the Real Property Commissioners—of the Committee of the House of Lords in 1836, and he stated, that they had come to the conclusion that the Diocesan Courts should be abolished. Many of the Bishops stated that it would be impossible to regulate these matters satisfactorily until the question of Church Discipline was settled, and it was a question amongst the Bishops themselves as to the mode in which legislation should proceed with respect to Church Discipline. It was not until 1840 that a Bill on the subject of Church Discipline passed in the House of Lords, and it was stated at the time that as soon as that question was settled they might hope to proceed with this further settlement. The present Bill proposes to go back, and in contradiction to all these authorities, and all former proposals, to establish certain Diocesan Courts. Now let us judge whether we ought to invest the Diocesan Courts with the power over property. In the first place, it is contrary to rational principles, and only arose from usurpation in the dark Ages. It is contrary to all the requirements of the present day; and, in the second place, there is every kind of objection to the constitution of these Diocesan Courts, and then there is the question of *bona notabilia*. One reason which I think is sufficient against the continuance of these Diocesan Courts is, that they have no business to enable them to become efficient Courts for the discharge of their duties. They may have difficult questions come before them, and on which men of the greatest eminence may differ; they may have questions before them which require the most profound knowledge of the law, and the greatest ingenuity in its application; and how can the Judges in those Courts acquire sufficient knowledge to make them efficient, considering that they might not, on the average, have more than six contested cases before them in the course of a year? You propose that these should be Judges with this small amount of experience and small amount of business—you increase their powers and give them increased salaries. Now, look to the salaries that some of those persons at present receive, and you may judge of the nature of the business they have to do. In many of those Courts the business is performed by deputies, and I find that the salaries of these deputies vary in different places, but the amount will serve to show the business they have to perform. In the Diocese of Bath and Wells the salary is 10*l.* a-year; in Bristol, in the Diocese of Bristol, 46*l.*; in other parts of the Diocese of Bristol, 26*l.*; in the Diocese of Chichester, 5*l.*; in the Diocese of Lincoln, 10*l.*; and in the Diocese of Peterborough the salary is only 2*l.* 2*s.* per year. Now, it would be hard to be convinced that Judges so paid are likely to be fit and competent persons to decide on such questions. When you pass this Bill in order to please persons having vested interests, and the Bishops to whom you give considerable patronage, you propose that Judges should be appointed with competent salaries. You will not have business enough to secure judicial talent, but you will have some persons appointed who have learned a little, but who will learn very little from the business in those Courts. However, one thing you are certain of, the payment of the salaries. You will have to pay the salaries of those thirty-five Judges, that, at least, you are sure of. My noble Friend near me proposes a local registry. It appears to me, that in consequence of the rapid communication now established between London and most parts of the country, a person may go to the Surrogate, and that Surrogate may communicate rapidly with London, and the Probate will be effected; whereas if you go to the Diocesan town, the probability is, that you may lose more time than by communicating with London. It is said that there is a provision in this Bill with respect to the removal of those Judges, but how are you to get rid of them. They are to be appointed by the Bishops, subject to the *veto* of the Crown. If a Judge of Westminster Hall misconducts himself, this House may address the Crown for his removal, but if we send up an Address for the removal of one of the Judges of these Local Courts, the Bill does not specify to whom the Address is to be sent. The Bill states that if an Address should be sent to the Crown, the Secretary of State should transmit to the Bishop the fact of such an Address having been presented, that the Bishop should then appoint another Judge—was ever such a clumsy contriv-

ance? I do not think that my hon. Friend, the Member for the University of Oxford, would be very willing to visit the Bishop with pains and penalties if he did not obey the Address of Parliament. The right hon. Member who moved the second reading of this Bill gave several reasons for not concurring with the Ecclesiastical Commissioners. He said that they had taken a long time before they had made their final Report. Now, I think that the length of time, and the grave deliberation with which that Report was made, adds considerable weight to its authority. It has been said that this Measure, though not perfect, may be considered a settlement of this question; and the right hon. Gentleman has confirmed all fears on this subject. All that is good in this Bill might be contained in three or four Clauses. The right hon. Gentleman has said this is so far to be lookod on as a final Measure, and that if it pass, he does not expect, in the course of his lifetime, to propose another Measure on this subject. The right hon. Gentleman omitted to state whether he meant his official or his natural life. Well, then, if this is the last Measure of the present Government on this subject, if it is their ultimate decision, I can only say it that it is opposed to all the authorities on which they formerly relied, and to the Measure which the right hon. Gentleman declared that he was ready to stand by last year. The right hon. Baronet, the First Lord of the Treasury, censured me for proposing, with respect to the Factory Bill, that it should be left to the decision of the House; and he said, with respect to the Ecclesiastical Courts Bill, why was I not equally ready to take the part of the Government when they yielded to the sense of Parliament? Now my complaint is, that they did not yield to the sense of Parliament on this question. I complain that they have not placed the entire question before Parliament, and obtained a formal decision upon it. The right hon. Gentleman prided himself on his law reforms. Let him, then, produce a good Measure; if that Measure fail, he will not be bound to produce another Measure, but the right hon. Gentleman seems to think that when he brings forward a Measure, good or bad, on this subject, without considering whether it were likely to become an Act of Parliament, that the Government has done its duty. For the reasons I have stated I shall give my support to the Amendment.

Colonel *Sibthorp* expressed his dissatisfaction that the noble Lord, who was the child of the Church, fed, taught, and supported by the Church, should be the first to vote for the spoliation of the Church. The fault which he found with this Bill was, that was not to be a final Measure. He objected to all changes—except the late change of the Ministry. In assenting to the second reading of the Bill, he reserved to himself the right of expressing his opinion upon the several Clauses in the Committee.

Dr. *Elphinstone:* I entirely agree in most of the remarks which have been made by my right hon. Friend, the Member for Devonport. I think that in many respects the Bill is exceedingly defective. I must also take the liberty of saying, that I think the alterations which have been made in this measure since last year, are any-thing but creditable to the Government who have introduced it. The only point I can see in its favour is that of the 372 Ecclesiastical Courts, which have for so many years been a by-word and a disgrace to the judicial system in England, no less a number than 337 are entirely abolished, and, consequently, no less than 337 Ecclesiastical Judges, and 337 Ecclesiastical Registrars, will for the future be deprived of all power to extort fees from the public. I must, however, protest against the Bill being in any way considered as a final settlement of the question of a reform of the Ecclesiastical Courts. I look upon this Bill as but a trifling instalment of what is due to the public. With the exception of the Clauses relating to Diocesan Courts, and to which I will presently more particularly allude, it seems to me, that the chief faults of this Bill are rather those of omission than of commission. The Bill purports to be founded on the Report of the Ecclesiastical Commission in 1832; but, in point of fact, with the exception of the abolition of the smaller Courts, and with the exception of the Clauses relating to donatives, sequestrations, and certain points of practice in the Court of Arches, I find that all the principal recommendations of the very learned persons who formed that Commission, are entirely neglected. It would almost seem as if the right hon. Gentleman (the Judge Advocate) were desirous of showing with what dexterity he could evade and mutilate all the really useful suggestions of the Commission. In the first place, the Commissioners recommended that the validity of wills of realty should be established and decided upon in the same Court as wills of personalty. The

House was probably aware, that the validity of wills of realty is now decided in Courts of Common Law, and the validity of wills of personalty in the Ecclesiastical Courts. The Commissioners state, that by altering the law as they propose, the public would be saved considerable trouble and expense, and that the security of titles to landed estates would be increased. I must say, that inasmuch as the same number of witnesses, and the same circumstances are now required to establish the validity of both descriptions of wills, it appears to me that a Clause to this effect ought to have been introduced into this Bill. In point of fact, a Clause for this purpose was introduced into Lord Cottenham's Bill in 1836. The Commissioners also made an important suggestion in relation to Church-rates, which is entirely neglected in this Bill. They proposed that all jurisdiction over Church-rates should be transferred from Ecclesiastical Courts to lay tribunals; they proposed that all questions relating to Church-rates should be adjudicated upon at the Quarter Sessions. I think that when we consider the annoyance to which all classes of Dissenters have been subjected in the various Ecclesiastical Courts, that Clauses ought to have been introduced for this purpose. The Commissioners also recommended that, for the sake of the public health, in any change of Ecclesiastical Law, all persons should be prohibited from burying dead bodies in the interior of churches. I think no person can have read the valuable Report of Mr. Chadwick, on the practice of interment in towns, without being convinced that for the sake of the health, I will also say, for the sake of public decency, that an enactment of this nature is essential for the well-being of the inhabitants of this metropolis. The Commissioners also recommended that all jurisdiction over temporal matters should be entirely taken away from the Diocesan Courts, and that all suits relating to marriage, and all matters relating to wills, should only be adjudicated upon either in the Court of Arches or the Court at York. The Commissioners state, that except in these two Courts, it is impossible for the public to have Judges, advocates, or practitioners, with sufficient knowledge of the law to decide on the complicated questions of law which arise in these matters. Now, I do not understand why all these suggestions have been disregarded, and why, instead of abolishing, the Government have thought fit to increase the jurisdiction, and to increase the power of the Diocesan Courts. These Bishops' Courts have been condemned by every person capable of forming an opinion on the subject who has inquired into the matter. Lord Tenterden, Chief Justice Tindal, Lord Denman, have all concurred in expressing their disapprobation of these Courts, and yet in spite of these high legal authorities this Bill actually proposes to give these Bishops' Courts the power of committing persons to prison for contempt —a power which they do not now possess. The parties who are interested in the continuance of these Courts have pressed the argument that it is desirable to have local Courts for the probate of wills. I could understand this mode of reasoning if by local Courts these parties meant Courts *bona fide* situated in the neighbourhood of the persons who are compelled to use them; but the Diocesan Courts are local only in name and not in reality. If the Bill be not altered in Committee, the public will be put to the greatest possible inconvenience. Take as an example the Borough of Southwark. Now Southwark is situated in the diocese of Winchester, and the consequence of this is, that if a tradesman in Southwark dies, leaving household property in some street in that Borough, his executors will be compelled (instead of quietly walking over London Bridge and going to Doctors' Commons) to make a journey to Winchester. The case of Hertford is perhaps even more absurd. Hertford is to be in the diocese of Rochester. Under the provisions of this Bill, executors would have to travel from Hertford to Rochester, but the only public conveyances between these two places pass through London; so that instead of proving the will when in London, the unlucky Executors will be compelled to take a further journey to Rochester. Now, I would ask the House for whose benefit is this extra trouble and expense to be exercised?—certainly not for the family of the deceased, but merely for the sake of giving fees to the attorneys who practise in Winchester or in Rochester — the Bill, in point of fact, leaves untouched all the absurdities of the present system of probate. The proving a will means, that a Court of competent authority certifies that the document is a valid one; and what the interests of the public requires is, that when a will is once proved in the Court of Arches it should be valid for all purposes throughout England and Wales; but as the Bill now stands a probate granted in the Court of Arches will have no effect in the Province

of York, but probate must be taken out both in the Court of Arches and in the Court at York for the property which may be locally situated in the two provinces of York and Canterbury, so that the executors will still, under the provisions of this Bill, be put to double trouble and unnecessary expense. As the Bill now stands, if a merchant or manufacturer in Bristol or in Birmingham dies, leaving for his children property in the funds and in his counting-house, or his manufactory, at either of these two places, one probate in the Court of Arches is sufficient; but if a merchant or manufacturer in Liverpool dies, with a similar fortune for his children, leaving money in the funds, and property in Liverpool or Manchester, one probate will not be sufficient; but probate must be taken out both in the Arches Court and in York, or perhaps in Chester or in Lancaster. I do not understand on what principle you place the family of the cotton-spinner in Manchester in a worse situation than the family of the button-maker in Birmingham; and I complain that while you pretend to be making great changes you leave the real nuisance untouched. The only way of avoiding this difficulty (if this Bill is to pass into a law) will be by inserting a Clause to the effect, that if the public choose to go to the Court of Arches, that that Court shall have full power to grant a probate, which shall be valid and effectual for all purposes throughout England and Wales; by inserting a Clause of this description, you would fairly test the value of these Diocesan Courts. I believe the public only go to these very incompetent Courts because they are obliged. If you give them the option of either going to the Diocesan Court, or to the Court of Arches, I am satisfied that the good sense of the public will give the preference to the Arches and that the Diocesan Courts will find themselves without any business to transact. There are various other matters of detail in this Bill which must be altered before it can become law. As the Bill now stands, the present registrars in the Court of Arches are allowed to practise as Proctors. I think this is most objectionable—in fact, the Bill admits that it is objectionable in principle, that Registrars should practise, as it enacts that the future Registrar shall not practise. Then it will be necessary to insert a Clause, to prevent wills being proved in the Diocesan Court of London, and to transfer all jurisdiction in the Diocese of London over wills to the Court of Arches, otherwise a large number of wills will be proved in a Court which has no proper registry attached to it, with conveniences for preserving and for taking care of the wills which may be brought to it. I have thought it my duty to make these few observations to the House: I see that great and useless changes in smaller matters are made by the Bill—that individual interests are largely affected—that large salaries are to be given to the Judges and Officers of the new Courts; but I cannot see that the real interests of the public at large are effectually promoted by this measure, and I therefore reluctantly feel myself obliged to vote against the further progress of the Bill.

Mr. *Watson* did not know upon what principle the Diocesan jurisdiction was retained, but he would put his objection to the measure upon higher ground. He thought there ought to be one jurisdiction alone for the probate of wills—there ought to be but one law for the whole country as regarded wills of realty and of personalty. If this Bill were to become law, it would prevent all future amendment, and we could hope for no further reforms. The right hon. Gentleman the Secretary for the Home Department had said there was some intention of further reform; but it should be recollected, that if the Diocesan Courts were abolished ten years hence, those who obtained fees under the present Bill would then be entitled to compensation in proportion. On these grounds he should support the Amendment of the right hon. Member for Devonport.

The House divided on the question, that the word "now" stand part of the question—Ayes 158; Noes 89: Majority 69.

List of the AYES.

Ackers, J.	Borthwick, P.
Acland, Sir T. D.	Botfield, B.
Acland, T. D.	Brisco, M.
Adderley, C. B.	Broadley, H.
Ainsworth, P.	Brooke, Sir A. B.
Antrobus, E.	Bruce, Lord E.
Arbuthnot, hon. H.	Bruges, W. H. L.
Archdall, Capt. M.	Buck, L. W.
Arkwright, G.	Buckley, E.
Astell, W.	Cardwell, E.
Baird, W.	Cayley, E. S.
Baring, hon. W. B.	Charteris, hon. F.
Barrington, Visct.	Chelsea, Visct.
Baskerville, T. B. M.	Christopher, R. A.
Bateson, T.	Clerk, Sir G.
Blackburne, J. I.	Clive, Visct.
Blakemore, R.	Clive, hon. R. H.
Boldero, H. G.	Codrington, Sir W.

Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinsou, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duffield, T.
Duncombe, hon. O.
East, J. B.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Gaskell, J. Milnes
Gladstone, rt.hn.W. E.
Gladstone, Capt.
Godsou, R.
Gordon, hn. Capt.
Gore, W. O.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, P.
Greene, T.
Grimston, Visct.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir.H.
Harris, hon. E. A. J.
Hayes, Sir E.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon.W. A'Ct.
Hope, hon. C.
Hope, G. W.
Ingestrie, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Jervis, J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull, rt.hn.Sir E
Knight, H. G.
Lascelles, hon. W. S.
Legh, G. C.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mc Geachy, F. A.
McNeill, D.
Manners, Lord J.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mordaunt, Sir J.
Morris, D.
Neeld, J.
Neeld, J.
Neville, R.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Owen, Sir J.
Peel, rt. hon. Sir R.
Pennent, hon. Col.
Plumptre, J. P.
Pringle, A.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Sandon, Visct.
Seymour, Sir H. B.
Shirley, E. J.
Sibthorp, Col.
Smyth, Sir H.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Sutton, hon. H. M.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Vesey, hon. T.
Vivian, J. H.
Wellesley, Lord C.
Whitmore, T. C.
Williams, W.
Winnington, Sir T. E.
Wood, Col. T.
Wortley, hon. J. S.
Wyndham, Col. C.
Yorke, hon. E. T.
Young, J.

TELLERS.
Freemantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Baring, rt. hn. F. T.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bernal, R.
Bernal, Capt.
Bowring, Dr.
Buller, C.
Busfeild, W.
Butler, P. S.
Cavendish, hn. G. H.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Colebrooke, Sir T. E.
Collett, J.
Craig, W. G.
Dashwood, G. H.
Denison, W. J.
Denison, J. E.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Dundas, D.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Elphinstone, H.
Evans, W.
Ewart, W.
Forster, M.
French, F.
Gill, T.
Gisborne, T.
Gore, hon. R.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Howard, hn. E. G. G.
Howick, Visct.
Labouchere, rt. hn. H.
Langston, J. H.
Lemon, Sir C.
Macaulay, rt. hn. T. B.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Mitchell, T. A.
Murphy, F. S.
Napier, Sir C.
Paget, Col.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, M.
Plumridge, Capt.
Protheroe, E.
Russell, Lord J.
Rutherfurd, A.
Scholefield, J.
Scott, R.
Seymour, Lord
Shelburne, Earl of
Smith, rt. hn. R. V.
Stansfield, W. R. C.
Stock, Serj.
Strickland, Sir G.
Strutt, E.
Tancred, H. W.
Thornely, T.
Trelawney, J. S.
Wakley, T.
Walker, R.
Warburton, H.
Watson, W. H.
Wilde, Sir T.
Wilshere, W.
Wood, C.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Hill, Lord M.
Tufnell, J.

Main Question again put,

Mr. *T. Duncombe* said, the right hon. Baronet at the head of the Government last year made a strong speech in support of the measure then introduced by Her Majesty's Government, which he emphatically declared he believed to be an honest measure. But the present Bill was totally different from that of last year. The Bill of last year proposed to sweep away all the Diocesan Courts, and he recollected very well upon that occasion hearing an hon. Member who was not now present, and who presided over the Diocesan Court of York, make a very convincing speech upon the subject of these Courts, the wretched practice of which he most powerfully characterised, when he declared that he, as Judge, sometimes decided right and some-

times wrong. This was certainly an extraordinary confession for a Judge to make, and one which ought to carry some weight. But the present Bill varied from the last in many other important particulars. Amongst others, the whole patronage of the Deans of Arches, which was heretofore in the Crown, was proposed to be given to the Bishop. All the approbation, then, which the House thought proper to impart to the right hon. Gentleman last year was now thrown away. If the former were an honest measure, how could this be so? He opposed that because it did not go far enough, and he now opposed this because it did not go so far. He said there ought to be no Ecclesiastical Courts at all. We wanted no canon law. We wanted only common sense and justice. The Ecclesiastical Courts were founded *pro salute animæ*, for the soul's health; but that having been abandoned the Courts ought to be abandoned also. They allowed no trial by Jury except in the discretion of the Judge; but as they had now the right of imprisoning for Church-rates, such a trial ought to be given. The right hon. Baronet said, that his measure last year was, so help him God, an honest measure; and he (Mr. T. Duncombe) would say now that he believed, so help him God, that this was one of the greatest jobs, and an act of the greatest disgrace, that was ever contemplated by that House.

Sir *R. Peel* said, he would attempt to reconcile his support of this measure with the statement which he made last year, which was perfectly founded in truth. In proposing the measure of last Session he had undoubtedly stated that it was an honest measure, by which he meant to say that it was peculiarly disinterested, and that it was proposed from the most honourable motives. They, however, foresaw that that Bill would have to encounter the most serious opposition—great opposition on account of involving an interference with vested rights and life-interests, and also an opposition from those on that side of the House who had given the Government their general support. That opposition was not influenced by any interested motives, but it was evinced by a great party who disapproved of the measure upon principle. Foreseeing that they would have to encounter so serious an opposition, they still thought it their duty to propose that measure. He did not hesitate to say, on this occasion, that he greatly preferred that Bill which had been brought forward last Session to the one which was now under the consideration of the House; and if he thought that the Government could carry the Bill proposed last Session, he would certainly have advised his right hon. Friend to persevere in the attempt to carry it through the House instead of the present measure. But he could not suppose when they proposed such a Bill that they should meet with the cordial and encouraging support of those hon. Members who generally afforded it to them. They were on the former occasion opposed by the hon. Member for the University of Oxford, who at that time acted in cordial harmony and co-operation with his political antipodes the hon. Member for Finsbury. The hon. Gentleman (Sir George Grey), who had spoken so ably to-night against this measure, leading the Opposition, had on the former occasion declared his intention to move that the Bill be referred to a Select Committee, and had further declared that he would give his decided opposition to its second reading. He thought he had stated the circumstances of the case correctly, and he for one must say that nothing surprised him more than the majority by which had been carried the second reading of that Bill. He believed that many hon. Gentleman had anticipated the defeat of the Government on that occasion. Although they had received the concurrence of the majority on that occasion, yet it was accompanied with a most distinct declaration by some hon. Members, that in future stages of the measure—that is, in Committee—the Government would meet with the most decided opposition. This year then, Government had to determine whether they should propose the last year's Bill, and ensure the failure of the attempt to reform the system complained of, or content themselves with a more imperfect measure of reform, by bringing forward the present Bill. And therefore, from the same motives, and equally honest ones, the Government thought it more consistent with their duty to secure the minor and less complete reform, rather than go back to the Bill of last Session, with a well-grounded anticipation of losing altogether the chance of effecting any reform, and go through the same labours as they had already encountered for several Sessions, in making ineffectual attempts to reform the Eccle-

siastical Courts. They thought that by the course they were now taking, they would, at all events, ensure the extinction of the Courts of Peculiars. They had, at the same time, relinquished that patronage on the part of the Crown which they had enjoyed. They ensured too, the extinction of a sinecure office which the Archbishop of Canterbury, under the existing law was competent to fill. He did not hesitate to say for himself, and for his right hon. Friend, that it would have been much easier to say—"This is the Measure of her Majesty's Government, and we will throw the responsibility of rejecting it upon the House." That would be by far the most agreeable and easiest course for them to pursue; but, as he said before, by bringing forward the old Bill, and taking such a course, they would have failed in securing the success of any measure of reform. Looking, then, at the divisions last Session; looking at the lukewarm support which the Government had received from hon. Members on one side of the House, and determined opposition of hon. Members on the other side, they thought that under the circumstances, it was their duty as a Government to consult the public interest, and secure as much reform as was consistent with the feelings of the House. He did not believe that an Executive Government, in time of peace, could render more important service to the country, than by reforming the Civil, the Criminal, and the Ecclesiastical Judicature. He well knew with what difficulties they had to contend, not in the country, but in the House of Commons, where those connected with great interests necessarily affected by these measures of reform, would naturally give their decided opposition to them. Such a party would form an union with those Members who, from purely disinterested motives, were opposed to such extensive reforms upon principle, and united their opposition was not to be overcome. There was yet another impediment—namely, the extent of compensation which, under the circumstances, it would be reasonable to offer, entailing an enormous expense to the country. Looking at the interests which were involved in what were understood to be offices held for life—the vested interests of all those who would be affected by such reforms, the extent of compensation to be provided in any Bill for the extinction of the Ecclesiastical Courts, raised up a most formidable impediment, which furnished one of the greatest obstacles to measures of such extensive reform as they had contemplated. And whatever amount of compensation that might be, they should consider that they did not perhaps then end the accounts with the public and these parties in question. He was always afraid that although they granted the compensation for the fee they abolished, that fees would again revive under some other character, and the danger which it was intended to guard against would still exist. Great caution, therefore, was requisite not to subject the public to any expense for the abolition of fees which could not be effected. These were the grounds upon which the Government had proposed the present Bill. The noble Lord (Lord J. Russell) spoke of humiliation. He felt none whatever, neither did his right hon. Friend in taking that course which they thought most consistent with the public interests. Recrimination was a species of argument which he, for one, never wished to indulge in; but the noble Lord asked what right had they to calculate upon a greater degree of support now than they had received heretofore. They knew that they should meet with great opposition, and they admitted that they had no right whatever to presume that the noble Lord would have given them his support. He had never taunted the noble Lord for the course he had taken on the Factory Bill, or any other Bill. He believed that the noble Lord was at all times influenced by the purest and most honourable motives. There was nothing more absurd than the presumption of infallibility. In taking a different course from that of last Session, they were not thus to be taunted with inconsistency. He honoured that man infinitely more, who, having received great additional information upon a particular subject, took a different course from that which he had previously advocated, than he who sheltered himself from the charge of inconsistency by giving the same vote on all occasions, although he had seen reason to alter his opinions. It had been charged against them that they had given up a measure without taking the sense of the House upon it. He did not mean to vindicate the course they had taken under all circumstances; but he thought he had sufficiently answered that objection by stating the motives which had influenced

them in their abandonment of their former proposition. He recollected the noble Lord, who, on the question of appropriating a large sum from the Consolidated Fund for the abolition of Church Rates, was backed by a majority of 150; but it appeared that the noble Lord had afterwards thought it much more advantageous to the public interests to anticipate defeat, and not submit the proposition again to the House. He, however, did not defend the course of the Government by a reference to that which had been taken by the noble Lord; but he called upon the House to bear in mind the occasional necessities of Government, and to think that they may still be influenced by honourable and upright motives, when they thought it necessary to propose a somewhat different measure from that they had heretofore advocated. He had thus attempted to explain what was the ground on which they abandoned their last year's Bill, and in doing so, he should again say that such a Bill was an honest one. He could, however, give his support to the present proposition with an easy conscience, while feeling assured of not being liable to any charge of inconsistency in introducing a former Bill which, if they thought they could more readily pass through that House he would not hesitate to say he should be more willing to vote for.

Mr. *C. Buller* thought the explanation of the right hon. Baronet had entirely explained away the honesty of this Bill. The right hon. Baronet had proved that the Bill of last year had been brought forward by the Government, they knowing it would excite the hostility of their friends; and what was the present measure? Why, it left out everything that could excite the hostility of anybody on the right hon. Baronet's side of the House. As to the right hon. Baronet's argument with regard to compensation, it was the very argument which had induced him to come down and oppose this Bill. The right hon. Baronet stated that the great difficulty in the way of the Measure of last year, was the hostility of those who possessed vested interests, and yet what would be the effect of the present Bill? Why, it would create twenty-six new Judges and as many new Courts—it would give besides additional business to the Courts in Doctors' Commons, so that the consequence would be that when the Government really brought forward an effectual Measure for the Reform of the Ecclesiastical Courts—a Measure such as both the right hon. Baronets opposite should think worthy of the Government and useful to the country they would have to compensate all these new functionaries, and they would have to contend against all these newly-created vested interests. If the Government had taken from the Bill of last year all that was really objectionable and most suspicious, they might then have come forward and tested the House—they might then have said the Bill was a good Bill, and have thrown the responsibility of its rejection upon those who were its opponents. And what was the position of the Government with reference to their attempted legislation on the matter? They had last year brought forward a Measure—an honest Bill — knowing it would subject them to an Opposition. At the very first menace of that Opposition they to their surprise found themselves supported by a majority which, the right hon. Baronet admitted, astonished him, and yet, rather than face the Opposition, they had withdrawn the Bill, and had this year brought forward a miserable Measure, which grappled with none of the evils which had so long made the jurisdiction of the Ecclesiastical Courts one of the great grievances of the country, and which contained none of the good of the Measure of last year, but which created a great addition of useless offices. What was the meaning of the formidable Schedule at the end of the Bill? If there were not to be twenty-six new Judges, there were to be at least two for the two new Dioceses. It would have been much better (if he might be permitted to advise the right hon. Baronet) not to attempt any law reforms except when the exigencies of the case required a reform which would be really efficient; and that if the right hon. Baronet thought the opinion of Parliament was adverse to substantial reform, it would be as well not to touch law reform until he had a reform which was worth his proposing for the adoption of Parliament.

Bill read a second time and ordered to be committed.

County Courts.] Sir *J. Graham* said, with the permission of the House, he would now state shortly the course he meant to pursue with reference to the County Courts Bill. He (Sir J. Graham)

had given his best attention to a Bill which stood for a second reading to-night, the Superior Courts (Common Law) Bill, and which had been introduced by the hon. and learned Member for Chester, and the hon. and learned Member who sat behind him (Mr. Watson), and this consideration led him to think that this Measure would be productive of some salutary reforms. To a great portion of this Bill he was prepared to give his assent, and he thought with slight modifications, the two Bills should go on *pari passu*, and become the law together. The 26th Clause of the Superior Courts Bill proposed the appointment of new Judges. He would, however, suggest that the Judges to be appointed under the County Courts Bill should do the duties of assessors under the former Measure. The summary jurisdiction under his Bill was 15*l.*, but under the Bill of the hon. Gentleman opposite, the sum was 20*l.* It was, however, quite open to the House to consider whether that jurisdiction ought not to be higher. He should propose that the Bill of the hon. Members opposite should be read a second time, and that the County Courts Bill should go into Committee *pro formâ*, for the purpose of introducing certain alterations to which there could be no objection. He hoped that hon. Members opposite would agree to this proposition, and that there was a perfect understanding, that the second reading of this Bill was to be allowed, for the purpose of making such alterations in the Measure as he thought necessary to render both Bills capable of being worked together.

Mr. *Jervis* had no objection to the course which the right hon. Baronet proposed.

Mr. *Watson* contended that the criminal business of the country required that some person of station and character should preside at the Sessions. The great advantage of this Bill would be, that you would obtain a Judge who would be a gentleman of station at the Bar, somewhat similar to the Assistant Barrister in Ireland; and there would be this additional advantage, that the Magistrates might choose him as Chairman of Quarter Sessions. He would be a person able to administer the Criminal Law, and he would have a jealous Bar. It would relieve the Assizes of a large number of criminals, and there would be no reason why all, except the gravest offences, should not be tried before such a Judge of Quarter Sessions. The effect on the county rates would be very great; for, instead of keeping a prisoner in gaol for six or eight months before the Assizes, he would be tried in the course of a few months at Sessions, and the county rates would be very much reduced. Gentlemen who attended the Assizes—for instance, the hon. Member for Halifax—must know that the great mass of criminal business to be tried in the West Riding of the county of York required a person of legal acquirements to preside. No doubt Magistrates acquitted themselves to the best of their ability, but they were wholly unacquainted with the administration of the law; and it must be remembered that in the criminal law of this country there was no appeal. He was happy to find that the right hon. Baronet gave his sanction to the Bill of the hon. Member for Chester.

Mr. *W. Ellis* asked if the attention of the right hon. Baronet had been given to the Amendments of which he had given notice, establishing Personal Service of Summons on the Defendant in all cases for more than 15*l.*, and providing that, according to the practice of the Bankruptcy Courts, where the debtor did not make affidavit that he had a good answer to the claim, he should be compelled to pay the debt.

Sir *J. Graham* said, he had paid attention to the hon. Member's notice on the paper, but he could not say that he was prepared to extend the jurisdiction of the County Courts as the hon. Member proposed, if he (Sir J. Graham) understood the intention of his Amendment; but the question would more properly arise in the Committee on the Bill of the hon. and learned Member for Chester.

Mr. *Cripps* said, the objection to the Bill, if any, was, that it either went too far, or not far enough, and that the machinery for the recovery of very small debts was larger than was necessary for the purpose of the Bill. That objection would be better attained by the Bill of the hon. and learned Member for Chester. He thought that the right hon. Baronet might so modify his Measure as to render its machinery like that of the Courts of Requests. A Jury ought never to be called in to adjudicate in small cases where the process was summary.

The County Courts Bill was considered in Committee, and reported.

SUPPLY — MR. EDMONDS.] On the question that the Report of Supply be brought up,

Mr. *F. T. Baring* said, it had been stated, and he believed upon good authority, that there existed an intention of increasing the salary of Mr. Edmonds out of the funds arising from fees in the House of Lords, without any communication being made to the House of Commons on the subject.

Sir *R. Peel* replied, that the matter had not yet been brought under the consideration of the Treasury, and that when it was, he would lose no time in making a communication to the House on the subject.

Mr. *V. Smith* stated, that an Address from the House of Lords to the Crown had been agreed to, and sent up on the 28th of March last, virtually suggesting the proposed increase.

Sir *R. Peel* said, that the matter had not yet come before the Treasury.

SUPPLY—THE BISHOP OF NEW ZEALAND.] Lord *J. Russell* observed, that there had been a discussion the other day respecting the Vote for the Bishop of New Zealand, in which his name had been introduced. When the appointment took place he proposed that a certain salary should be given to that Prelate, but he wrote to Dr. Selwyn, saying, he would not undertake to assure him that the House of Commons would agree to the proposition, and leaving it to the right rev. Prelate to decline the appointment, or to go out on the chance of the House of Commons agreeing to the proposed Vote. Dr. Selwyn regardless of pecuniary considerations, did go out; and it was to be supposed that under the circumstances Government would make the necessary provision for him.

Lord *Stanley* said, he intended to propose a Vote for the Bishop of New Zealand, finding that he had gone out upon a full assurance that such provision would be made. That arrangement had been recorded in the office.

Lord *J. Russell* certainly thought he had stated to the Bishop that he was not to consider himself secure in any salary.

Report brought up and agreed to.

House adjourned at a quarter past twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 23, 1844.

MINUTES.] BILLS. *Public.* — 1ª. Limitation of Actions Amendment.

Private. — 2ª. Glossop Market; Dowager Lady Rivers' (or Rigby's) Estate.

Reported. — Guildford Junction Railway; Manchester and Birmingham Railway (Macclesfield and Poynton Branch).

3ª. and passed:—Liverpool New Gas and Coke Company; Figge's Naturalization.

PETITIONS PRESENTED. By the Bishops of Durham and Bangor, and by Earl Powis, from an immense number of places, against Union of Sees of St. Asaph and Bangor. —By the Earl of Burlington, from Lancaster, and 4 other places, against the Poor Laws. — By the Bishop of London, the Earl of Rosebery, and Lord Campbell, from several places, against, and by Earl Howe, from Birmingham, and other places,(in favour of, the Dissenters Chapels Bill; also from Ballycarry, for Extending its Provisions to Ireland.—By the Earl of Yarborough, from Great Grimsby, and several other places, for Protection to Agriculture. — From Dissenters of Alt, and 17 other places, for Legalizing Presbyterian and Dissenters Marriages (Ireland).—By Lord Hatherton, from South Staffordshire, against any Limitation of the Hours of Labour in Factories.—From Licensed Victuallers of Stourport, against the Window Tax. — From Elgin, and Paisley, against the Repeal of the Laws relating to Scotch Universities. — From Elgin, against any further Grant to Maynooth. — From Hamilton, and Haddington, for Improving the Condition of Schoolmasters (Scotland). — From the Grand Jury of the county of Galway, for Inquiry into the present Condition of Ireland.

CORN LAWS.] The Earl of *Yarborough* having presented a Petition from Great Grimsby,

The Earl of *Radnor* said, that as this was a Petition on the subject of the Corn Laws, he should take the opportunity to call the attention of the noble Duke on the cross bench (the Duke of Richmond) to a pamphlet which he held in his hand, and inquire of him, whether he really gave it his sanction. It purported to be written by Mr. Cayley, and to be put forth on the authority of the Society for the Protection of Agriculture, of which the noble Duke was President, the Duke of Buckingham, Vice President, and the Dukes of Norfolk, Rutland and Cleveland, and the Earl of Yarborough, Trustees. And he really wished to know whether this book was to be considered as receiving their sanction and authority; for in his opinion, a more discreditable production never issued from the press. He did not object to those gentlemen, or any gentlemen sending forth their opinions on this subject to the world, nor did he object to the arguments which he found in the work—on the contrary they were precisely those which he should like to see in it; for weaker ones could not be conceived—but what he did object to, was the dishonesty of the pamphlet. It professed in many cases to quote from Adam Smith. It gave no reference in any case, and

therefore it was not easy to turn to the passages said to be quoted; but he had turned to several, and he had not found one which was a correct quotation. In every case the passage was misquoted—either words omitted, or words inserted—and always the sense grossly perverted. To give the House an instance or two—Adam Smith is stated to have commended the Navigation Laws. Any body who had ever read the book would be surprised to hear this; but the author of the pamphlet (pp. 21, 22), professed to give the opinion of Adam Smith on the subject of the Navigation Laws, and he quoted them in these words:—"Of this law, although not favourable to restriction in theory, yet never for a moment throughout his great work contemplating the displacement of labour engaged in the agriculture of this country, Dr. Adam Smith says, 'As defence is of much more importance than opulence, the Act of Navigation is perhaps the wisest of all the commercial regulations of England.'" Now, the author of the "Wealth of Nations"—for he (Lord Radnor) had referred to the original—had introduced the adverb "however" after the words "as defence is," which word had been omitted by Mr. Cayley, and had moreover prefaced the passage thus,—"By diminishing the number of sellers therefore we necessarily diminish the number of buyers, and are thus likely not only to buy foreign goods dearer, but to sell our own cheaper than if there were a perfect freedom of trade—as defence, however, is of much more importance, &c." And this the House will observe gives a totally different sense to the passage. Again, the author of the pamphlet said, that "it was the unprofitable price of wheat for four or five years together, which, causing the farmers to turn off their labourers, produced the disturbances in the agricultural districts in 1830. The distress arose from the cheap bread which they could not buy." Now, first as to the argument—he thought this was rather an extraordinary statement, for the author who was contending for protection, which existed in 1830, to make, viz., that, notwithstanding this protection which he contends to be necessary in order to keep the price up to 54*s.*, a price as he says ', necessary for the cultivation of the land," it was so low that the farmers were obliged to turn off their labourers and that this produced the disturbances of 1830. Then next as to the fact—the truth is the price of corn was not low but high—in the five years from 1826 to 1830 inclusive it was in each year and successively 58*s.* 8*d.*, 58*s.* 6*d.*, 60*s.* 5*d.*, 66*s.* 3*d.*, and 64*s.* 3*d.*, each year evidently higher than the price stated to be necessary, and in fact the average price of the five years preceding 1830 was higher than the average of the five years preceding those years and also than the average of the five succeeding. There were other statements in the pamphlet in which misquotations of the opinions of Dr. Adam Smith occurred similar to that he had already read to their Lordships—in fact, in every instance in which he had compared the quotation with the original, the latter had been falsified in some way or other to the perversion of the real sense of the author—but he would not trouble their Lordships by referring to them. Now, he would ask, was this pamphlet published under the authority of the noble Duke on the Cross-Bench, or had he given it his sanction?

The *Duke of Richmond* did not think it necessary to follow the noble Earl through the strictures which he had been pleased to make on this pamphlet. The practice of asking questions ought not to be extended. It was all very well to put questions to Her Majesty's Government on subjects of great national importance; but he thought it was not likely to add to the dignity of their Lordships' House, for a Member of the Anti-Corn-Law League, as the noble Earl was, to stand up in his place and put a question to him, as a Member of a Protection Society. For his own part, however, he considered the pamphlet to be a remarkably good one, and he believed that the noble Earl would not have found fault with it if it had not been a good one. Their Lordships would recollect that the last time he had spoken in that House on the subject of the Corn Laws, the noble Earl had not taken the opportunity of answering him. What did the noble Earl do on that occasion? Why instead of answering him from his place, he sat down and wrote a letter to him, signed it with his name, and published it in the newspapers. Now, the noble Earl ought to have adopted a reverse course. He ought in his place to have answered his observations, and he ought to have answered the pamphlet to which he had called the attention of the House by a counter-pamphlet. The author of that pamphlet was well known and long known in the country, and he was respected by all parties. He entertained the

same politics generally as the noble Earl, but he did not go the length of wishing to destroy the agricultural interest of the country. He did not mean to say that the noble Earl wished to destroy that interest, but he firmly believed that the doctrines which he and his friends supported were calculated to produce that effect. The noble Earl had taken an active part in the proceedings of the Anti-Corn-Law League. He had appeared at Covent Garden, and had become a great actor in the Anti-Corn-Law League drama, and he now constantly brought forward arguments in debates here on the Corn Law question, which he (the Duke of Richmond) thought had much better be reserved until the question was regularly before the House. He did not dislike skirmishing—sometimes skirmishes of this kind were advantageous to one who was not a practised speaker; but he thought they might much more profitably employ the time of the House than in discussing the merits of a particular pamphlet. In his opinion, the old mode of petitioning Parliament was much better. The people were enabled by that course to state what their feelings were, and if any improper statement were made, it could be answered by petition. He did not think that the system recently pursued was so advantageous. He acknowledged that he was a member of the Agricultural Protection Society, and he would continue to be so until they got rid of one of the most unconstitutional bodies that ever appeared in this country—the Anti-Corn Law League. No agricultural protection association would have been formed had it not been for the conduct of the Anti-Corn Law League, who abused and reviled the owners and occupiers of land at their meetings and in their publications. The farmers felt it necessary, in consequence, to come forward and to deny their assertions. They all knew what means the Anti-Corn Law League took to disseminate their principles out of doors, and it was only to be expected that others, who took an entirely different view of the subject, should take measures to expose their fallacies. He believed that the League had done much mischief. He never had stated, and he never would state, that he believed it was their wish to produce incendiarism. He never had charged them with such intentions. But, unfortunately, it had so happened that incendiarism had appeared in some of those places where they were most active, and in which they had most excited the passions of the people. He must therefore repeat that, with the greatest courtesy to his noble friend, he must decline answering the question which he had put to him.

Earl *Radnor*: His conduct was not the question before them. His noble Friend stated, that he had not answered him on a former occasion in that House. Now, he did across the Table, and in a few days when he got more accurate information, he distinctly stated in his place that his noble Friend was misinformed. The letter to his noble Friend had nothing to do with what passed in that House.

RESTRICTION OF LABOUR—THE FACTORIES BILL.] Lord *Hatherton* rose to present a petition on a subject of very great public importance. It came from a number of persons connected with the coal and iron trade of South Staffordshire, and they prayed that their Lordships would not sanction any legislative interference with the right of the poor to dispose of their labour as they thought fit. The petition was signed by eighty master manufacturers of South Staffordshire, who employed respectively from 100 to 5,000 or 6,000 workmen, and he did not know a body of men more highly respectable, or better qualified, from education, character, and experience, to form a correct estimate of such a Measure as a Ten Hours Bill. This petition came from the master manufacturers of South Staffordshire, but from his own observation, he had no doubt this petition spoke the general sentiments of the working men in that district. He knew this from the opinions expressed to himself by some of themselves, and those who represented them. He could perfectly understand that when men of character and education called for a law to restrict the hours of labour, they found the working men very much disposed to accept it: but he very much doubted whether the appeal of the working men would be listened to by their new advocates when they called out, as they had a stronger right than ever to do, after this change, for the abolition of all legislative enactments that enhanced the price of food. He did not see one argument in favour of the measure, which struck him as one of much force, put forward either in the newspapers or anywhere else. If the working men wished for this change, why did they not combine to work but

ten hours? Such an object would be perfectly legitimate, as the combination laws were repealed. Such a proceeding would have this advantage, that when the supposed exigency ceased, the evil would cease; whereas if neither the starvation of their families nor competition abroad could put an end to the Ten Hours Bill, the condition of the working men must be pitiable indeed. If they could now obtain the object of their wishes, his firm conviction was, they would be the first to call for the repeal of such a law. This petition was signed by persons of great weight and authority, and it attested this fact, that whatever the opinion of woollen or cotton manufacturers might be as to restrictions on labour, the iron manufacturers protested against such a change in the strongest manner.

Lord *Brougham* had been requested to give his support to this petition, but he had been anticipated in any comments he could make on the characters of the parties or the importance of their views by his noble Friend, who had long and ably represented that important district. The working people could rely on it, that his noble Friend was one in whom they might implicitly confide, or if ever there was one who exerted himself in their behalf it was his noble Friend. He certainly did think, with his noble Friend, that the truck system threw the working men more into the hands of the masters than they should be. And without considering the feelings of the masters, he embarked in the same boat with his noble Friend. He stated at the time that he was willing an experiment should be tried, though he had no sanguine hopes of its being successful. He believed the event amply justified his suspicions. [Lord *Denman*: Masters and men wished for the system.] At all events the interference of Parliament proved the danger of touching private contracts between employer and employed. A feeling most respectable in its origin—one which did great honour to the hearts, if not to the reflective powers of those who harboured it, had induced some persons to endeavour to compel the people not to work more than a certain number of hours. That that feeling existed among the working classes he did not deny; but he had every reason to believe, because he was in possession of facts to bear him out, that the working men were labouring under a gross delusion. He was in communication with the working people themselves, and what they and they who represented them stated to be their demand was, ten hours work and twelve hours wages. The Ten Hours Bill, as it was called, was for the express purpose of preventing the working men using as they pleased that which was their only property—their own manual labour; and if he were put to an election whether he should interfere with the capitalist or labourer, he should prefer fixing a minimum of wages to a maximum of labour, which just in proportion as it succeeded must prove detrimental to the labouring poor.

Lord *Feversham*: The noble and learned Lord was under a complete misconception of the views of the working men, when he said they insisted on twelve hours' wages for ten hours' work. He had said, that the point was brought under the notice of the working men, who, on several occasions had come to an unanimous resolution that they were perfectly prepared to allow "wages to find their own level." They also declared that it was their conviction, that if asked only to work ten hours they could do as much work as they now did in twelve. He did believe that to be the case. He did believe that the men were frequently so overworked, that it was utterly impossible to go on with the energy and vigour which they otherwise might. This petition emanated from a part of the country to which the Bill did not apply. Therefore, it was quite premature to discuss the merits of the Ten Hours' Bill on that petition. He doubted whether the noble Lord had ever seen or read the principal provisions of that measure. The noble Lord appeared not to be aware that the Bill, or rather the Clause proposed to be inserted in the Bill, would only affect the labour of women and children, and he must say, in spite of the declaration of the noble Lord—in spite of his great experience, and of the commendation of the noble and learned Lord by his side (Lord Brougham), he left out of his consideration the question of humanity, and the question why young children and women should be worked to the cruel and inhuman extent to which they were frequently compelled at present. This was not his opinion only. Meetings had over and over again taken place within the last month, attended by large masses of the working classes, who unani-

mously passed a resolution that legislative protection was indispensably necessary. This sentiment was not that of the working men merely, but of gentlemen living in their neighbourhood. The meeting at Leeds was attended by the vicar; that at Manchester by the dean; and at Bradford several master manufacturers declared the time was come when something must be done with respect to this question. If that was so, he hoped noble Lords would wait until they saw what the provisions of the Bill were. He hoped, therefore, noble Lords would wait until the Bill came before them, and not arrive at premature conclusions. As far as he was acquainted with it at present, he believed the measure was founded on principles of justice, humanity, truth, and righteousness, and he hoped other noble Lords would be induced to arrive at the same conclusion.

Lord *Hatherton* thought he was hardly open to the taunt of the noble Lord—that he brought this matter under discussion prematurely. The petitioners merely alluded to the rumour of such a law being about to be enacted, and they protested against its principle. He repeated the question, why, if there was such an unanimous feeling in favour of short hours as was represented, the workmen did not combine and determine to limit themselves to ten hours' labour per day?

Irish Poor Law.] The Marquess of *Clanricarde* put the question of which he had given notice with reference to the Irish Poor Law:—in consideration of all that they had heard of the working of this law, he thought that in putting that question he would not be performing an idle or unwarrantable part. It would be in the recollection of their Lordships, that last year he had moved for the appointment of a Select Committee to enquire into the working of the present system. That Motion was opposed on this ground alone, that at that time the Government had a Bill in preparation to amend the then existing law, and that it was desirable that they should have that measure before them before they came to any decision as to the advisability of referring the question to a Select Committee. But that Bill, when it did come up from the Commons, could not properly be called an act to alter or amend the Irish Poor Law; it was merely a slight Bill, in some degree to prop up and render possible the working of the former law, which, in its then state, it was scarcely practicable to work at all. Considering its object, and the late period of the Session in which it made its appearance, he had thought it quite unnecessary to propose that such a Bill should be referred to a Select Committee. The House was now, however, in such a position, both as regarded its information and the state of public business, that it might reconsider the question in some way or other if it received information as to the steps which the Government were about to take. At the same time he would guard himslf from expressing any opinion as to the desirability of a Committee being appointed. In truth he thought the time had gone by when a Committee could be usefully appointed. They had had so much experience upon the subject, that really they might at once devise measures for altering the law extensively, or at least for remedying present defects. He would prefer, therefore, immediate legislation, but if inquiry was considered necessary it was certainly desirable that no time should be lost in instituting it. He would, therefore, put it to Her Majesty's Government, if any Bill would be brought in this Session, or if they proposed to institute any inquiry upon the subject?

The Duke of *Wellington* said, that a Commission had been employed in Ireland recently, and they had made a Report, particularly on the subject of the Building of Workhouses in Ireland. That Report, which had been received by Government, had been referred back again to the Commission for certain explanations, and it was expected that in a short time it would be in such a state as to enable the Government to lay it upon the Tables of both Houses. If it should be thought desirable, after that document had been received, to institute any inquiry by the means of a Committee, certainly on the part of the Government there would be no objection to such a course of proceeding.

The Marquess of *Clanricarde*: Then it was not the intention of the Government to move for the appointment of a Committee?

The Duke of *Wellington* repeated that the first thing to be done would be to lay the Report of the Commission upon the Table of the House. It was not yet in such a state as to warrant its production. It would be taken under the consideration of Government, and if the noble Lord

thought that there should be a Committee upon the subject, there would be no objection on the part of Government to its appointment.

Lord *Monteagle* had asked a similar question at an early period of the Session, and the noble Duke then stated that it would be inexpedient to move for such a Committee until there was such an attendance of noble Lords connected with Ireland as would make the inquiry a satisfactory one. If such a Committee were now to be moved for, he trusted that it would extend its investigations not only to the state of the buildings in connection with the Poor Laws, but into the general principle of that law, and the manner in which that principle was applied.

The Duke of *Wellington*: I do not take any objection whatever to the extension of the inquiry at any time at which any noble Lord may think proper to move for a Committee.

The Marquess of *Clanricarde* observed that the yearly Report of the Poor-Law Commissioners had not yet been presented. It would be very desirable to have that Report before their Lordships before any steps were adopted.

CATHOLIC JURORS—(IRELAND.)] The Marquess of *Normanby* rose to put the question of which he had given notice, relative to the striking of the Jury List at the late Monaghan Assizes in the case of "Hanlan and Others." He highly approved of the instructions for the formation of Juries laid down by Chief Justice Brady. One of these was, that no person should be excluded from a Jury on account of his religious persuasion, and another was, that every time the Crown Solicitor exercised his right of challenging, he should be able to state the grounds upon which he did so. Now, he did not conceive that these rules had been in the present instance complied with. In bringing forward, however, the particular case to which he was about to refer, he did not mean to cast the slightest imputation upon the conduct of the Jury which had been empanelled, who had discharged their duty in a perfectly proper manner. But it appeared that Jury consisted of eleven Protestants and only one Catholic, and that to attain that composition seven Catholics were directed to stand by; and he was informed that the Crown Solicitor was not able to bring any one of the Jurors thus set aside within the letter of the instructions to which he had above referred. The trial was for Ribbonism and Misdemeanor, and therefore, although the traversers had no right to challenge, the Crown had a right to direct Jurymen to stand by. It was, therefore, a case in which it was peculiarly desirable that the verdict should be returned by persons properly qualified, in order that it should carry weight in public opinion. Now a published defence of the Crown Solicitor had appeared in consequence of observations made in reference to his conduct in this case, which seemed to assume an authoritative and semi-official tone, and in which most extraordinary reasons were given for the setting aside of the challenged Jurors. There was, in the first place, a man of the name of Caulfield challenged, and it was stated, that he was set aside because he was on another Jury. Now, this could not be the case, as all would know who knew anything of the general way of calling Juries in Ireland. The next man challenged, was a very respectable person of the name of M'Neil, and it was alleged that he was set aside because he was neither a Sir Robert Peel nor a Daniel O'Connell. Now, surely, the Crown Solicitor was hardly bound to compose Juries from persons like Sir Robert Peel or Daniel O'Connell. Surely some person half way between the two, might very well suit the atmosphere of a Monaghan Jury-room. But, to proceed—another person, John M'Quigley, was challenged, against whom it was alleged that they had nothing to say, but that he was put by to make room for better men. Now, this was the old story. Such language and such pleas had been the foundation for all the partial exclusions and injustice of former times. Another was named Conolly, and, being a name sake of one of the traversers, was therefore set aside, and a most extraordinary reason it was. He was also informed that it was alleged that the Jury were in the retiring-room deliberating on a case they had previously heard, and that one of them, popping out his head, and finding that the next trial was for Ribbonism, immediately popped it back again, and told his *confrères*, whereupon they determined, knowing they must be detained if they were called as the Jury, not to give in their verdict at once; so that there might be a new Jury, and they might get a holiday for the rest of the Assizes. Now, four of the Jurors positively declared that

they were not aware at the time what the next trial was for. Another allegation urged by the Crown Solicitor was, that in the previous case there had been eleven Catholics and one Protestant. It was quite clear, however, that the composition of the Jury in a former case could have nothing to do with it in the case in question. He should not have mentioned this, but for the great sensation it had excited; and unless there was some superintending power as regarded the officers who struck the Juries, to attend to the instructions he had referred to. with all the credit, his noble Friend might give them for sincerity in adopting those instructions, and presenting those instructions to the House as the grounds on which the Government intended to conduct the Crown prosecutions in Ireland, they would have no weight whatever with the country.

Lord *Wharncliffe* could assure his noble Friend, that depending too much upon newspapers and newspaper statements was just as bad as the ignorance with which he (Lord Wharncliffe) had been taunted with on a former occasion, for his not reading them at all. Newspapers were publications into which articles called "mares' nests" were very often found; and he never knew of a more complete case of "mares' nest" than the present. The instructions of Chief Baron Brady, to which his noble Friend had referred, the present Government were, he could assure him, just as anxious to see carried out as their predecessors could have been. Neither of the conditions of challenge in question had been infringed in the present instance. No juryman had been excluded because of his religious persuasion; and the Crown Solicitor could give, and had given, reasons for every challenge which he had made. The noble Lord had referred to some published defence of the Crown Solicitor, with respect to which he could only say, that the Crown Solicitor had nothing to do with it. He held, however, in his hand, the statement made by that learned Gentleman upon the subject; and the reason in consideration of which he had directed the challenges which had taken place, and a very particular statement it was. The indictment upon which Hanlon and the others had been put upon their trial was for the crime of Ribbonism—for having attended meetings of ribbonmen, and upon the evidence of the approver Duffy, Hanlon had been convicted and transported. Now, it appeared from the report of the Crown Solicitor, that the several Jurors to whom his noble Friend had referred had been struck off, not because they were Roman Catholics, but for reasons which he thought were sufficient. The first Juror mentioned by the noble Marquess was Henry Caulfield; and with respect to him, the Crown Solicitor stated that he had been informed that that man's brother had taken forcible possession of a field; that a disturbance had occurred, and that Henry Caulfield had been instrumental in collecting parties, and in managing these agrarian outrages. John M'Quigley was objected to as a near neighbour of the traverser Duffey; John Conolly, as related to another of the traversers; John Hughes, as having been in the service of John Rice, who had been lately convicted of Ribbonism at the Armagh Assizes. With regard to the seventh and last name which had been struck off, it appeared to have been done by mistake—the officer of the constabulary having stated to the Crown Solicitor that there were certain objections to that party being upon the Jury, mistaking him at the time for another person of the same name. There was no ground then for the statement that these parties had been excluded from the Jury because of their religious opinions. He could assure his noble Friend and their Lordships, that he and every one of his Colleagues in office were most anxious that Justice should be administered as fairly and impartially in Ireland as in England; and that no infringement of the rules which had been laid down in respect to striking of Juries, on the part of the law officers, would be passed over either by his noble Friend at the head of the Irish Government, or the Government here.

Lord *Campbell,* while giving full credit to the Government for being actuated by a sincere desire to carry out the instructions which had been alluded to, had heard with some alarm the explanation of the noble Lord—because, if the uncorroborated statement of the party accused was to be considered in all cases a sufficient answer to the charge of infringing those rules, he feared they would become a mere dead letter. There was no case in which the regulations were disobeyed, and injustice perpetrated, in which a similar defence might not be made. In the present case the Crown Solicitor was the party accused, and if he had brought forward facts capable of proof or of contradiction in his

own justification, he (Lord Campbell) should be disposed to admit them; but when he stated merely that he had been informed this and that in reference to these parties, and that was received as a sufficient explanation, there was no case in which a similar defence might not be set up, however flagrant the violation of the rules. The peace of Ireland depended upon the suspicion being removed that Catholics were not to be permitted to serve on Juries. Whether right or wrong, that suspicion did prevail at present, and, to say the least of it, it was most unfortunate that a case should have occurred corroborating that suspicion. He believed there was no doubt that Catholics would do their duty as Jurors as justly as Protestants. [Lord *Wharncliffe;* "Certainly not."] Then he would only say, it was most unfortunate that so many Catholics had been excluded.

Lord *Wharncliffe* wished to remind the noble Lord of the harm he might do in Ireland, considering the high legal station he had held in that country, and his authority in the House, by any observations of his calculated to confirm the suspicion which he had said existed. The accusation in the present case was, that the persons named had been struck off the Jury List, not for valid reasons, but because they were Roman Catholics; and in answer to that accusation, he (Lord Wharncliffe) had shown that the regulations had been adhered to, and that the Crown Solicitor had reported upon the case of every person; and it appeared that the names had been struck off for other and special reasons. The Crown Solicitor was not bound to prove that the facts were as stated: it was sufficient that he believed them to be true. The noble and learned Lord had no right to say, that the reasons alleged by the Crown Solicitor were not the true ones, but that the names were struck off because the parties were Roman Catholics. He regretted that his noble and learned Friend should have made such a statement.

Lord *Campbell* had not asserted that the parties in this case had been struck off the list because they were Roman Catholics; but that if the statement of the accused party was to be received without corroboration, and Catholics should be struck off, in any case it would be easy to bring forward such a defence.

The Marquess of *Clanricarde* could not share in the regret of his noble Friend opposite as to what had been said by his noble and learned Friend (Lord Campbell). His noble and learned Friend had not asserted that the parties referred to had been excluded because they were Roman Catholics, but he had warned the Government that if the statement of the officer inculpated was to be considered a sufficient answer to an accusation of striking off names on insufficient grounds, the suspicion that it was the intention of the Government to prevent Roman Catholics from serving on Juries would be strengthened, and that a person capable of striking off names improperly would not hesitate to do so, if his uncorroborated statement was to be admitted as his justification. He was glad this conversation had taken place, for it was most important to impress upon the people of Ireland that the Government were anxious that Juries should be fairly chosen in that country, without reference to religion, and that justice should be duly and fairly administered.

The Earl of *Wicklow* did not blame his noble Friend (the Marquess of Normanby) for bringing forward this subject. The accusation was, that certain persons had been struck off the Jury List because they were Roman Catholics, and his noble Friend (Lord Wharncliffe) had shown in the most satisfactory manner that they had been struck off on totally different grounds, and he believed if the noble and learned Lord (Lord Campbell) had not interfered so unnecessarily, as it appeared to him (the Earl of Wicklow), his noble Friend (the Marquess of Normanby) would have expressed himself perfectly satisfied with the explanation which had been given. The noble and learned Lord had, however, shifted the ground, and accused the Crown Solicitor of falsehood ["*No, no,*" from Lord Campbell]. Then what right had he to doubt the truth of the explanation which that officer had given, unless he had reason to suppose the statement made was false?

The Marquess of *Normanby* shared sincerely in the satisfaction which their Lordships felt that this subject had been brought forward, and that some explanation had been given. With regard to the facts he had stated, he had been informed of them under the hand of a Gentleman whom he knew, and whose name he had no objection to give, if required. From the statement of that Gentleman it appeared that Caulfield, one of the parties excluded, was a respectable farmer holding fifty acres of land, that he was in

good circumstances, and lived five miles from Hanlon's residence, and that the other parties who had been named were also respectable men, and in every way qualified to act as Jurors. This Gentleman might have been mistaken, but so might have been the Crown Solicitor. He was glad of the discussion, because he believed it would lead them to the truth, and when that truth should be elicited, it would, he thought, be found that the Jury had not been so fairly constituted as it might have been. So far as the Government were concerned, the explanation which had been given was satisfactory, but he doubted whether the Crown Solicitor had not been misinformed as to the facts he had stated.

The Duke of *Wellington* trusted that the result of the present discussion would prove equally satisfactory to the Crown Solicitor as to the Government and their Lordships. He apprehended, however, that this exposure of the confidential report of that officer, whom he had heard described as an accused person, would place him in rather a hard position; and that his report of the private conduct and character of these individuals being exposed, might render him liable to the consequences of that exposure in other parts of the country.

Lord *Wharncliffe* contended that the Crown Solicitor was justified, if he believed the facts communicated to him were true, in taking the course he had adopted.

The Marquess of *Normanby* had made no charge against the Crown Solicitor. He doubted, however, whether it would not turn out that he had not exercised a due discretion. He believed Mr. Hamilton to be a most respectable man, and if he said that he had not challenged these persons on the ground of their being Roman Catholics, he felt bound to take his disclaimer, entertaining at the same time some doubts as to the discretion he had exhibited.

Lord *Redesdale* considered that the explanation of the Crown Solicitor was sufficient, and that he was not liable to any imputation.

The Marquess of *Normanby* considered that Mr. Hamilton had been benefited by this explanation being called for.

Subject dropped.

House adjourned till Friday.

HOUSE OF COMMONS,

Tuesday, April 23, 1844.

MINUTES.] NEW MEMBER SWORN. — Thomas Baring, Esq., *for* Huntingdon Borough.

BILLS. *Public.*—1°· Vestries.

Private.—2°· York United Gas (No. 2).

Reported.—Manchester, Bury, and Rossendale Railway; New Quay Harbour and Railway.

PETITIONS PRESENTED. By Mr. Serjeant Murphy, from Cork, against Registration of Electors (Ireland) Bill.—By Mr. Borthwick, from Aylesbury, for a Convocation of the Clergy.—By Mr. Watson, from F. Capes, for Compensation.—By Mr. Bateson, and other hon. Members (12 petitions), for Legalising Presbyterian Marriages (Ireland).—By Viset. Clive, from Llandyssil, and Carlisle, and Mr. Mainwaring, from Holyhead, against Union of Sees of St. Asaph and Bangor.—By Mr. Oswald, from Ayr, against Abolition of Tests in Scotch Universities.—By Viset. Clive, from Cheshire (2), complaining of Low Duty on Cheese.—By Mr. Ross, from Belfast, for Repeal of Cotton Duties.—By Mr. Ainsworth from Bolton, for Reduction of Tea Duties.—By Mr. Hume (5 petitions), for Reduction of Tobacco Duties.—By Mr. S. Wortley, from Saddleworth, for Reduction of Wool Duties.—By Mr. Hume, from T. Sturgis, against Commons Inclosure Bill.—By Mr. Wynn Ellis, from Leicester, for Alteration of County Courts Bill, and by Mr. Serjeant Murphy, from four persons, for Compensation under same.—By Mr. Wrightson, from Northallerton, in favour of a Ten Hours Clause.—From Brecon and Cardigan, for Establishment of Local Courts.—By several hon. Members (5 petitions), against Masters and Servants Bill.—By Dr. Bowring from B. Wills, submitting Plan for Employment of the Poor.—By Mr. Brotherton, and Viset. Clive, from Leigh, and Whitchurch, for Alteration of Poor Law Amendment Bill.

THE UNITED STATES AND GERMANY.] Dr. *Bowring* begged now to put to the right hon. Baronet at the head of Her Majesty's Government the question of which he had given notice,—whether they had any official knowledge of a treaty between the United States of America and the German Zollverein, for the mutual admission of articles at lower rates than if imported from Great Britain or other countries. He had been informed that a treaty had been signed on the twenty-third of March last between the representatives of the German Commercial Union, and the minister of the United States, which was founded upon the principle of preferential duties between those two countries. It had been stated to him that under this treaty the duties on American tobacco were to be reduced from five-and-a-half dollars to four dollars—that a low or nominal duty was to be levied on American rice—and that no duty was to be raised on American raw cotton. In return for these concessions to the United States, the American Minister had agreed that linens, silks, merinos, and plate glass, of the manufacture of the German union, should be admitted at fifteen per cent. (the duties

levied on the British being from thirty to forty per cent.)—that German hosiery was to be admitted at twenty per cent. (the duty upon British being thirty per cent.)—and on sundry articles of minor importance, a reduction to ten per cent. on German productions is provided for. Certificates of origin were, he understood, in all cases to accompany the shipments, in order to give them the benefit of these preferential duties. He begged, therefore, to inquire of the right hon. Baronet whether he were cognisant of the facts which he had stated, whether these facts were correct, and whether it was the intention of the Government to make any arrangements on the subject in consequence?

Sir *R. Peel* said, the statement of the hon. Member was substantially correct. A treaty had been signed between Prussia, acting on the part of the Zollverein, and the representative of the United States, stipulating that certain duties should be reduced. He would not follow the example of the hon Member, and say that a system of "preferential" duties had been established,—for he did not wish to sanction a new word; indeed, he would take the opportunity of entering a protest against its adoption. He believed the substance of the treaty had been fairly represented by the hon. Gentleman; but he (Sir R. Peel) begged to say that that treaty had not yet been ratified. He believed that, in order to give it effect, it had yet to receive the sanction of the executive Government of the United States, and of two-thirds of the Senate.

Mr. *Labouchere* believed, that in pursuance of the terms of the treaties between the United States and this country, the United States could not admit the productions of the Germanic League, or indeed of any country, into their dominions on more advantageous terms than those on which the productions or manufactures of this country were admitted. If he were correct in this opinion, any reduction of duties made by the United States in favour of Prussian or German manufactures must be equally advantageous to the manufactures of this country.

Sir *R. Peel* said, the Government had already taken this question into their consideration; but as the treaty to which the hon. Member for Bolton (Dr. Bowring) had adverted was not yet ratified, perhaps it would be better for him not to enter into details, but to content himself with stating, that the matter had not escaped attention. There was a treaty in existence between this country and the United States, by which it was stipulated that England should, in matters of trade, be put upon the same footing as the most favoured nation. As hon. Gentlemen were probably aware, there were two kinds of commercial treaties. Under one class of treaties it was agreed by one nation that another should be put on the footing of the most favoured nations, without any equivalent being given; and by another description of treaties it was provided, that a country should be placed on the footing of the most favoured nations, provided she made certain concessions. It was a treaty of the former kind which existed between this country and the United States.

Fees to Magistrates' Clerks.] Lord *Duncan* wished to put a question to the right hon. Secretary of State for the Home Department with regard to fees to Magistrates' Clerks. On the 13th of March a Motion for a Committee of Inquiry on this subject was brought forward, but it was withdrawn in consequence of an intimation that the matter was under the consideration of the Government. On the second of April he had put a question on the subject to the Under-Secretary of State in the presence of the right hon. Baronet (Sir J. Graham); but the answer given to that inquiry was so vague, that he was induced to suppose it was not the intention of the Government to bring forward any Measure at present. Being at a loss to reconcile these two apparently conflicting statements, he wished now to ask whether any Measure on this subject was in contemplation, and if so, at what period of the Session it was intended to introduce it?

Sir *J. Graham* was anxious as far as he possibly could to expedite the transaction of public business. His attention had been directed to the subject to which the noble Lord had referred, and a Bill with reference to it was now in an advanced stage of preparation. There were, however, at this moment a considerable number of important Bills brought forward by Her Majesty's Ministers under the consideration of the House; and it was a matter of some uncertainty

when he might be able to introduce the Bill to which he alluded. He hoped to ask leave for its introduction within a fortnight or three weeks.

MR. FERRAND, SIR J. GRAHAM, AND MR. HOGG.] Mr. *Ferrand* said, I have during this morning minutely examined into all the speeches which I made in the manufacturing districts during the Easter recess, and which have been published in the *Times* newspaper. I have paid particular attention to the leading articles of the *Times*, in which were certain extracts from speeches of mine, which were said to bear on the right hon. the Secretary of State for the Home Department, and the learned Member for Beverley. It is not my intention to retract one syllable which I used in those speeches, nor to extenuate or explain away a single sentence. When I made use of that language, I asserted the sacred prerogative of a free-born Englishman, and I expressed my opinion upon the public conduct of two public Officers. Sir, I defy this House to deprive me of that privilege. The opinion which I formed of the conduct of those two public Officers is supported by the public press of the country, and is backed by public opinion. But if, in making use of those expressions, I have in any way wounded the personal honour of any Member of this House [*Interruption. Cheers.*]—Sir, the party spirit and unmanly bearing which were exhibited towards me last night, and which have burst forth now, convince me, and must convince hon. Gentlemen—and I am sure my opinion will be backed by that of Englishmen at large,—that this House is the last tribunal for them or for me to appeal to. [The hon. Gentleman, who had been sitting on the second Bench on the Ministerial side, here took up his hat, and, walking down the centre of the House, bowed to the Speaker, and made his exit by the door under the strangers' gallery. A dead silence which pervaded the House for a few moments was followed by laughter, and continued with considerable confusion for some sime. Mr. Borthwick and Mr. Roebuck both rose to address the House, but the former was unable to obtain a hearing.]

Mr. *Roebuck* proceeded to say—I rise to order. I am sure the House, Sir, must have understood from what passed last night, and from the transactions of last night, that a most serious charge was made before this House against a Minister of the Crown. However ridiculous may have been the upshot of the whole matter—

Mr. *Disraeli* rose to order. The hon. Member for Evesham is in possession of the House. I think the hon. Member for Bath is not in order.

Mr. *Roebuck*: I am surprised that the hon. Gentleman should call me to order, inasmuch as I have not yet uttered a single sentence.

The *Speaker*: The hon. Gentleman has put a question to me which does not relate to the forms of the House, and one to which it is quite obvious that I ought not to give an answer, as it is a matter for the House and not for me to decide.

Mr. *Roebuck*; I was about to explain, that a very curious circumstance occurred last night, which induced me to believe that a matter of privilege was coming before the House. An hon. Member has risen and made some sort of statement—whether it were an explanation or not I will not pretend to say—in consequence of the proceedings of last night. I wish to ask you, Sir, whether you think, after what took place last night, and the sort of defence which the hon. Member for Knaresborough has this evening made, it is becoming and fitting for this House to allow the transactions of last night to pass over in the manner in which it has been treated by the hon. Member? If you do not think so, I am prepared to make a Motion.

The *Speaker*: The hon. Member for Evesham was certainly in possession of the House when the hon. Member for Bath rose to order, but the House has not yet heard the point of order to which the hon. Member wishes its attention to be called.

Mr. *Borthwick*: The question on the point of order which has been started by the hon. Gentleman opposite—[" Order, order," *and confusion.*] I merely wish to explain. I wish to state that I think, that if the hon. and learned Gentleman or any other hon. Member wishes to continue this discussion, which originated last night, they had better give notice of a formal Motion upon the subject. I cannot see how it is consistent with the Orders of the House that such a Question as this can be brought into discussion at the present moment. Is it a Question of Privilege or not?

Mr. *Hogg* said, I think I may claim the

indulgence of the House. I hope I am not going too far when I say, that the present question is strictly a matter of privilege. I waited to see what course would be pursued by the right hon. Gentleman the Secretary of State for the Home Department against whom an imputation had been cast. But I, perhaps, have still more a right to claim, not the protection, but the justice of the House, because I am their own sworn officer. I am left in a situation of some difficulty as the House may well understand as to the mode of proceeding in the absence of the hon. Member, after the extraordinary declaration he has made. I hold in my hand the speech delivered by the hon. Member, which last night he admitted, and I will read that speech shortly to the House, and will endeavour to impress upon the minds of hon. Members its obvious meaning. I admit the right of that hon. Gentleman to comment as boldly as he pleases upon my conduct, I will allow him to dispute the correctness of my decisions, I will allow him to say, that my deductions from the evidence were wrong, and that the law which we acted upon was wrong: but if it be the opinion of the House, that he has cast upon me the imputation of having been influenced by a Minister of the Crown in the exercise of my sacred duty as Chairman of a Committee appointed by this House—if that is the obvious meaning and purport of the hon. Member's speech, then I do hope that there is but one course that this House will pursue; I hope you will take the pains of ascertaining that your officers have not been guilty of such infamous conduct. I hope, if it be found that they have been guilty, you will visit them with merited punishment. But I also hope, that if your servants have not been guilty, you will call upon the man who has stood up in this House and made the charge, to substantiate it. I am not sufficiently versed in the forms of this House to know what course to pursue; but I do fling myself upon the House, and appeal to the right hon. Gentleman at the head of her Majesty's Government, and who leads this House on the Ministerial side, and I also claim the protection of the noble Lord the Member for the City of London, who is ever anxious that justice should be done to every man, no matter to what party he may belong. I claim from them to initiate some proceeding by which the opinion of this House may be expressed. If I were asked myself to suggest any mode, it would be, that the House should declare, by resolution, that the charges brought forward were false and libellous. The newspaper in introducing the extract from the hon. Members speech gave it with these words:—

"To one of that right hon. Gentleman's delinquencies, Mr. Ferrand alluded, after his usual plain spoken fashion, in words which will carry with them the sympathies of all opponents of the Poor Law. After some animadversions on his general conduct with respect to the law, he proceeds" (and then in inverted commas comes the hon. Member's speech). "'That is not all Sir James Graham has done of late for the purpose of putting down the advocates of the poor in the House of Commons. You will remember that Mr. Walter was returned for Nottingham, and I have had the honour of battling by that Gentleman's side the enemies of the poor. No man has resisted the Poor Law more vigorously or at greater sacrifice of time and money than Mr. Walter. It was therefore felt necessary by Sir J. Graham to get him out of the House of Commons, for Sir James was a man who could not bear to hear the truth spoken, especially on that subject. A petition was presented against Mr. Walter's return. They could only prove that his friends—not his agents—had spent between 30*l.* and 40*l.* in money and what they called treating. The Committee was divided — three Whigs for throwing him out, three Tories for keeping him in. Mr. Hogg, the Member for Beverley—one of the most pure boroughs in the kingdom, forsooth [*loud langhter*], whether he got his seat for 40*l.* I do not know—but this Tory Chairman aided Sir James Graham and the Government in unseating Mr. Walter. Mr. Hogg tried to explain away his conduct on that occasion; the whole of the Government side of the House on which I sat listened with feelings of disgust while he higgled and haggled through his explanation, but there was one man who vociferously cheered, and that one man was Sir J. Graham."

Now, Sir, is there any human being who can read that article without being impressed with this feeling—that it is not merely an implied but a distinct charge against me of being influenced by Sir James Graham and the Government basely to forego my duty and to give a verdict for the purpose of excluding from this House, a Member not acceptable to them? In a court of justice, when we seek the obvious meaning of a libel, we ask any man of plain understanding what is the ordinary acceptation of its terms. I ask you to look at this journal itself—to examine its comments on this imputation upon me—and then I ask any Gentleman who has heard me read the extract if he can have any doubt that the imputation cast on me is

that of having been influenced by the basest and most dishonourable motives—and that I had been made the instrument of Sir James Graham in unseating Mr. Walter from his place in this House. I ask if any Gentleman can have any doubt on the subject? I do not complain of the terms in which my decision has been spoken of. My "higgling and haggling" has been dwelt upon, my determination has been dwelt upon, but of this I do not complain. The subject was properly treated by the noble Lord the Member for London last night, when he said that whether my deductions were right or wrong—whether my law was good or bad, this is nothing to the purpose—whether my explanation was satisfactory or not was nothing to the purpose. I allow every one to form his opinion on these points, and to express that opinion as he pleases. I confine myself to the one point which imputes to me impure and dishonourable motives. I confine myself to that as the single point. It is vain for this House to talk of keeping its jurisdiction to itself and of not resorting to another tribunal, and of securing to itself the confidence of the public and the combined power of a judicial and legislative authority, if the House itself should allow its own sworn officers to be thus assailed. I hope that those who are more conversant with the forms of this House than myself will kindly suggest what is the proper course which ought to be adopted. I have already stated what my idea is. I pledge my honour that I have not made a single appeal to any one below me [the hon. Gentleman stood immediately behind the Ministerial Bench] on the subject. The long standing of the right hon. Baronet (Sir James Graham) in the House and before the public, and also his high and exalted position, might enable him to treat in this House with indifference that which I could not consistently with my duty pass by; and, as the sworn officer of this House, I think I have a still stronger right to request and demand of it, not protection, but justice, than even the right hon. Baronet himself. I appeal to the House whether these are imputations made on my honour and integrity in the discharge of my duty, and, if they are, I call on the person making them to substantiate those charges, and here I am to meet them. If I have done anything to raise a doubt or create suspicion as to the honourable execution of my duty, I shall be satisfied to meet the consequences; but if no man can state any grounds that would raise any such suspicions or doubts in the minds of honourable men, then I have a right to the protection of the House, and I hope it will be afforded to me. If I am asked how that is to be done, I answer by declaring that I have acted honourably in the discharge of the public duty imposed upon me by the House, and call upon it to stigmatise those who have cast the imputation upon me. Perhaps I ought to apologise for referring to the subject;—but no; I feel I need not apologise. Let the House, however, bear in mind that I did not bring this matter forward. I had not the slightest idea of noticing it; but when it was noticed in this House, my personal honour required that it should not pass unanswered by me. I almost feel I ought to apologise for calling attention to what is stated in one public Journal of to-day. There is a base insinuation in the *Times* Journal of to-day, that while the Committee, of which I was Chairman, was sitting, I looked for some official office or employment from the Government. I ought to apologise to the House for stating it—and this is an additional reason why the House should not pass this matter by. I labour under a feeling of humiliation in alluding to such a charge; but I declare solemnly, on my honour, that never, either directly or indirectly, from any Member of the Government, or any person connected with the Government, have I obtained, or asked, or sought, or applied for, any office or employment for myself, or any human being belonging to me. This insinuation is as base and false as the other, and with the exception of sending an application to my hon. Friend for the situation of a gauger, backed by representations from the place I represent, with that exception, I never asked for place or emolument for myself from any Government past or present. I ought to apologise to the House for this; but when these calumnies are sent into the world, and circulated by a Journal which is extensively read, and which ought to be above making such imputations, I thought it was perhaps as well for me to declare indignantly that they are false and unfounded.

Sir *James Graham*: The House will bear in mind, that at the very moment I imagined the hon. Member for Knaresborough had resumed his seat, I rose for the purpose of addressing you; and, Sir, I must remark, after what has fallen from the hon. and learned Member for Beverley (Mr. Hogg) that in this House we are all

equal. I consider there is no distinction among us; no preeminent claim to confidence or respect. We are all honourable men—enjoying the highest privilege which, in a free country, can be conferred on any Gentleman—that of being chosen by a free people as their Representatives in this Assembly. I conceive that when the honour of a Member of this House is assailed, in his discharge of his duties as a Member, the honour of the House itself is in jeopardy; and that it is not the duty of the individual Member to vindicate his character, and to resent the insult; but that it is the duty of the House to ascertain whether the stain cast on the honour of one of its Member be well-founded or not. And if it should be the opinion of the House, that the charge is well-founded, it is their duty to expel the Member guilty of dishonourable conduct, in order that the honour of the House may remain unstained. The House will remember, that last night I waived my Motion that the words of the hon. Member for Knaresborough be taken down. I waived it because it was impossible that an accusation so substantial and short should be forgotten. As it related to me, and as limited to myself, it was this—that I had used my official power for the purpose of obtaining a false Report, in order to crush a Member. When I waived my right yesterday, I said that the charge having been deliberately preferred, it was proper that the hon. Member should have time until to-day to settle the mode in which he would substantiate it. On the same occasion I referred to another accusation, in which the hon. Member for Beverley was implicated with me; on the precise terms of that second accusation, the hon. Member for Knaresborough and myself could not agree: a report of the speech of the hon. Member was inserted in the *Times* newspaper, and I understood that he would come down to-day prepared to put his charge in a substantive form, and to add, as I imagined, that charge to the former, and to state the mode in which he would proceed. I fully expected that when the hon. Member for Knaresborough rose this evening he had come down prepared to give effect to the intention which he was understood formally to have announced last night. When I rose to address the House, I certainly was about to comment on the extraordinary omission of the first and most substantial charge—that relating to myself. I was also about to comment on the fact, that he had forgotten what it was he understood he had promised, viz., that with regard to the hon. Member for Beverley, the hon. Member for Knaresborough would put into a clear and tangible form the charge in which we were both involved, and would point out the mode in which he would take the opinion of the House in the affirmative or in the negative. I turned round, however, and perceived that the hon. Member for Knaresborough had left his place. From that fact I instantly inferred that he had run away from both his charges—declaring that he was unwilling to appeal to this Assembly, to which alone, as Members, we with propriety can appeal, and refusing to join issue here, the only place where the question can be tried. Since the hon. Member has run away from his charge, not daring to go to the proof, I, for one, am perfectly satisfied to leave the matter where it stands. The House and the public will be able to determine between us; and as one of the parties accused, it is not, perhaps, my business to offer an opinion respecting the course, which the House ought to adopt. It will be for the House to decide what it will become its own dignity and honour to do on the occasion.

Sir *R. Peel*: The question is, whether this House can treat the matter with indifference and ridicule, or whether it ought to adopt any proceeding. If any proceeding be adopted, I strongly advise that some interval of time should be allowed to elapse. Ridiculous as the charge may be, and unanimous as is the feeling that the charges are utterly without foundation, after the declaration made by the hon. Member, if they could have been supported they would have been supported; but still, in an arena for perfectly free discussion, where we permit the acts of public men and authorities to be questioned, we cannot adopt any proceeding to vindicate the parties accused, or to censure the accuser, without establishing a very important precedent. Therefore, it is most material, before we come to any decision, that we should look back to such records as are within our reach, to ascertain what course the House has taken under any analogous circumstances. The House will bear in mind the species of charge preferred—that it is against a public Officer, and that it implies great misconduct—dishonourable conduct. If it were brought forward by a minority, nothing could be more easy than for a ma-

jority to brand the accuser and to acquit the accused, and a precedent is therefore important lest the power of party be abused. Considering the great Constitutional Question involved of perfectly free discussion—considering, too, that all objections to precedents originate in some exceptional cases—the course I suggest appears the more necessary. Looking abstractedly at the individual case, your feelings of indignation may prompt you to adopt some sudden course which you will afterwards regret; and, adverting to all these considerations, my advice may perhaps be taken, in order to prevent surprise, to adjourn the present discussion, and to give us all in our individual capacities the means of learning what has been done in past times, and of deliberating what ought to be done in the present instance. I will venture to say that, since the time when a public performer undertook to compress himself into a quart bottle, no audience has ever sustained a greater disappointment than the present.

Lord *J. Russell*: I have no objection to an adjournment; on the contrary, I agree that it is desirable in all cases of this kind that an interval should occur between the first impression and the ultimate resolution. At the same time I have no hesitation, though I think it may be useful to others, to give them an opportunity of turning their minds to the consideration of what may be the better course, in stating at once what I feel upon the subject. It was to be expected that the hon. Member for Knaresborough would to-day either have made or retracted his charge. He has taken neither course—he has fled from the accusation without abandoning what he formerly stated. I think that the hon. Member for Beverley, in that state of things, very naturally asks the House to interpose. I understood him most distinctly to ask the House to interpose after the statement it had heard, and he added most truly, that he was not the person who had brought the subject forward. So far as depended upon him, the charge might have rested where it was, but having been brought forward, he could not be satisfied without calling upon the House to pronounce an opinion. I think his demand a most just one. He stands in an important position. Not only he, but every Member who has filled the responsible situation of Chairman of an Election Committee, is involved in the Question whether you will not think it necessary to protect the honourable Member for Beverley from charges thus lightly made, and apparently but not honestly abandoned. As to the hon. Member, I think the course to be pursued does not admit of much difficulty; he read from a newspaper an extract of the Speech of the hon. Member for Knaresborough, and we heard that hon. Member state that that report of his Speech was correct. With deference to the opinion of other Members, and especially to you, Mr. Speaker, if the hon. Member for Beverley were, to-morrow, to put in the newspaper, and the passage were to be read, the House might then come to a Resolution, stating that a Member of the House, naming Mr. Ferrand, had avowed himself the author of the Speech—the Resolution might then proceed to state that the House was perfectly satisfied that the charge against the hon. Member was false and calumnious. I am prepared to take that course. If there be any Member who thinks that there can be a doubt upon the subject—if any body supposes for a moment that the hon. Member for Beverley, in the discharge of his duty as Chairman of an Election Committee took into consideration what might be desirable or convenient to a Minister of the Crown—if he imagines that on that account the hon. Member perverted the evidence, or biassed the decision, let that man propose an inquiry. For myself, I have not the most remote suspicion of the kind; but I think that the assertion of that opinion, and the contradiction of that charge by a resolution, is due to the hon. Member. and due to the character of the House. The case of the right hon. Gentleman (Sir J. Graham) is so far different, that he does not ask for the opinion of the House. I do not understand him to say, that he thinks it necessary, that any decision should be declared on his case by the House; but my opinion is, that after the matter has been publicly stated, imputing to a Minister of the Crown that he procured a false Report to be made by an officer under his control, it is fit that the House should pronounce upon the utter groundlessness of the accusation. In what manner it is to be brought before the House, the right hon. Gentleman, making no complaint, is a matter for consideration, but I think, that some resolution of the kind is necessary. On some former occasions, I have

thought it needless for the House to interpose in a complaint against the conduct of a Member, since it would only be irritating and vexatious. The last case of the kind was that of Mr. O'Connell, who threw out an imputation, that Members serving on Election Committees generally were guilty of perjury. I thought it unbecoming in the House to notice it, but it decided otherwise, and we have therefore a precedent. I must say, that a general charge, against the House, or against the Members of Election Committees is not nearly so important as a particular charge, a specific accusation against an individual Member, whether holding office under the Crown or entrusted with responsible duties. I am afraid, if we say, on the one hand, that it is unadvisable to enter into imputations against the conduct of Members, and if, on the other hand, we are content to pass over a charge made and avowed, we should render ourselves liable to the accusation of indifference to the character of the House. Having thus stated my own impressions, I may add that the safer course seems to be to pause until to-morrow, but I am quite ready to listen to a better opinion, and, for the sake possibly, of arriving at it, I concur in the proposal of adjournment.

Lord *Stanley:* I fully concur with my right hon. Friend at the head of the Government, and with the noble Lord who has just sat down, in the propriety of the House not taking any particular course without some interval of time for reflection, for I believe there will be found no case in the records of Parliament which can fairly be considered and looked upon as a precedent for our proceedings at present. I do not believe that with regard to the groundlessness of the charges made by the hon. Member for Knaresborough, both against my right hon. Friend at the head of the Home Department and my hon. and learned Friend the Member for Beverley, there exists the slightest difference, or even the slightest shade of difference, of opinion on either side of the House. I do believe that there is not a man here who does not feel confident that the charges are wholly and absolutely incapable of proof. Nay, more, that at the time the charges were made, the hon. Member who made them had not the smallest ground for believing that those charges and accusations were true. This being the case, a Member of this House repeating those calumnious charges in his place is challenged to the proof of those charges, and with an appearance of boldness, the hon. Member came down to the House on the following day, pledged, as far as the House could pledge him, to substantiate those charges in the presence of that tribunal to which the accused parties had appealed, and at which the hon. Member was himself bound to attend. On this second appearance, when the accused were ready to meet him—when the tribunal was assembled, what course did the hon. Member take? Why, on the very first appearance of natural feelings of indignation being excited on both sides of the House, he demurs to the authority of the tribunal—he states that this assembly is not one to which he will appeal or which is qualified to judge of the propriety of his conduct (it is an assembly, between which and the hon. Member there is no sympathy)—and not only does he decline to submit it to the jurisdiction of the House, but withdraws from the House before the accused are heard, and before the House has expressed any dissent to those gross and libellous calumnies. In this case, then, what course ought to be pursued? I differ from the views expressed by the noble Lord the Member for the City of London. The noble Lord has drawn a distinction between the case of my right hon. Friend at the head of the Home Department, and that of my hon. and learned Friend the Member for Beverley, and the noble Lord states that my hon. and learned Friend has appealed to the justice and for the protection of the House, but that my right hon. Friend has not thought it necessary to do so. Now, with all deference to the noble Lord, I am sure upon reflection, he will think that this is not a question to be judged of by the fact that one party accused appeals for protection, and the other does not appeal. It is not a question to be judged of by the individual feelings of the Members charged; one may view the accusation with feelings of indignation, the other may regard it with perfect contempt, and it is for the House to consider with a view to its own character and honour, both of which have been assaulted and assailed in the persons of the one Member and the other, it is for the House to state what course it will take in vindication of its own honour and

character. But I am quite sure the noble Lord—

Lord *J. Russell:* I beg to explain. What I stated was, that some difference will be necessary in the form in which any thing shall be done in the two cases. I said the form in the case of the hon. and learned Member for Beverley was, that he should put in the newspaper containing the report of the speech in question, which has been admitted by the hon. Member for Knaresborough to be correct, just as if the complaint was made against that newspaper, and that then it would be for the House to found some steps upon it; but I added, that in respect to the case of the right hon. Baronet the Secretary for the Home Department, as he had declared himself to be perfectly satisfied at present, the proceeding would be different in form, but in substance the same.

Lord *Stanley*: I am much obliged to the noble Lord for the explanation he has afforded; but still I wish to remark, that if the House were to take no notice of the charge made against one of its Members while it did take notice of the charge made against another of its Members — although the circumstances in each case are different—the one claiming, the other not claiming, the protection of the House—the circumstance that one charge was noticed and the other not noticed would, in point of fact, give some colour of foundation to the calumnious charge of which no notice was taken. I do not suggest to the House what course it ought to pursue further than to say that some interval of time ought to be given for reflection upon the matter. After that reflection it will be for the House to decide upon the further proceedings it may think necessary. At present I will only say, that I am confident the House will feel bound to take the same course in both cases—the charges having been brought by the same individual before the same assembly.

Lord *J. Russell*: I only wish to observe, that I did not propose a different course to be taken. I expressly stated, that the House ought to come to some resolution in both cases.

Mr. *Blackstone* rose, but—

The *Speaker* said there was no question before the House, and it seemed to be the general opinion that the subject should be postponed until to-morrow. He recommended the House in the commencement of its proceedings to follow the precedent in the case of Mr. O'Connell of 1833. To-morrow the paper would be read by the Clerk at the Table, and the admission of the hon. Member for Knaresborough, that the words which formed the subject matter of complaint were certainly spoken by him, would be taken in a formal manner. It would then be for the House to consider what step it would next take.

Mr. *Blackstone*: I only wish to trouble the House with one or two remarks. I rejoice to have heard what has fallen from the noble Lord the Member for the City of London on the present occasion, because I had a foul and calumnious charge made against me as Chairman of the Shaftesbury Election Committee, and on that occasion the foul and calumnious insinuations cast upon my conduct as Chairman of that Committee were shielded by the noble Lord the Member for the City of London. On that occasion, however, I had the support of the noble Lord the Member for North Lancashire and of the right hon. Baronet the Home Secretary, but the noble Lord, and every Member opposite who now cheered so loudly, were then found covering the accusations and imputations cast upon me. I strongly recommend hon. Members to refer back during the interval proposed to the proceedings with reference to the Shaftesbury Election Committee in the year 1838.

Sir *R. Peel*: I can only repeat the advice I have already given to the House, namely, that some interval of time should be allowed to enable hon. Members to look to what was done in similar circumstances on former occasions. If hon. Members are allowed time to look at the cases to which my hon. Friends have referred, the House will be better able then to decide upon the proceedings to be taken in this instance.

Sir *R. Inglis* expressed his concurrence in what had fallen from his right hon. Friend (Sir R. Peel), and thought it would be wiser and better to abstain from any further discussion until to-morrow.

Further discussion postponed.

CONVOCATION OF THE CLERGY.] Mr. *P. Borthwick* was then called upon by the Speaker to move, pursuant to his notice,

"That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to afford to Parliament,

in all matters ecclesiastical, the advice and assistance of the Clergy in Convocation assembled, according to the constitution and ancient usage of the realm."

The hon. Member said, that it was with unaffected solicitude that he appealed to the House for its indulgence and forbearance on the present occasion. The circumstances under which he rose to address the House added very much to the difficulties which naturally surrounded the very important matter he was about to propose to its consideration. He trusted, however, that the good feeling of the House would grant him its indulgence, and he promised he should not trespass upon it in point of time, and that he would sedulously endeavour not to offend the House, either by any expressions he might use or otherwise. He was aware of the great excitement which had attended the discussion which had just terminated; but he hoped to be permitted to proceed, and claim for the subject that full consideration and attention which it merited. He hoped he should not offend hon. Members if he said he believed the very large majority of the House he was now addressing knew very little except in name of the institutions to which he was about to advert. He must premise by stating, that the question he had to propound was not of a theological character; if it were, another place would have been more proper for its introduction, and a different person selected for its advocate. Perhaps the House would permit him to state what was a Convocation of Clergy, what its character, what its uses, and wherefore it was that he asked an address to the Crown praying its restoration. On the original introduction of Christianity into this country, the Bishops from time to time collected around them the Clergy of their respective dioceses, for the purpose of consulting upon the affairs of the Church. In this synod were discussed all matters connected with the order and discipline of the Church, and everything calculated to increase her efficiency. In process of time the Ecclesiastical Jurisdiction in this Kingdom became divided into the two provinces of Canterbury and York, and then that which previously had been done by each Bishop in his own diocese was done by each Archbishop in his respective province. Shortly after that period the Crown had been in the habit of applying to the Convocations for the purpose of obtaining the Supplies which the Clergy afforded to the public service of the country, and the Clergy having the privilege of self-taxation attended the Convocation to supply the Crown with Revenue. In the year 1664, Archbishop Sheldon, on the part of the Church, and the then Lord Chancellor on the part of the State, concluded an agreement by which the Clergy waved all right to their privilege of self-taxation, and from that time to the present they had been taxed by Parliament from year to year just as any other citizens. Now, from the time when they surrendered the privilege of self-taxation down to the present, there had been a singular want of care on the part of the State in calling together this most constitutional body. Nevertheless it continued to be called, and to discharge the high functions intrusted to it by the Constitution down to the year 1717; and then, when a sermon had been preached by Bishop Hoadley, in which doctrines of a dangerous tendency were promulgated, a Committee of the lower House of Convocation having been appointed to take the matter of the sermon into consideration, the Whig Ministry of George I., in order to shield Bishop Hoadley, their favourite both on personal and public grounds, prorogued the Convocation for six months, and from that time the Convocation had never been assembled. In short, it expired when in defence of the Church, and in the discharge of an important duty, for which it merited thanks rather than extinction; and one of its last acts had been an effort by which fifty-two churches had been built in London and its neighbourhood, thereby showing that it carefully watched the growing wants of the people, and that it used all proper means to supply those wants as they arose. Having glanced thus very briefly at the English Convocations of Clergy, he would add, that it was a Council of the Church—it was a Council within which all matters Ecclesiastical were by the Constitution of the Country supposed to be considered—it was a part of the institutions of the country as important as any which existed. All writers on the Constitution agreed in assigning to it a character not second in importance and utility to Parliament itself, and he could bring forward a great number of proofs to show that at the time the House of Commons was sacrificing the rights and liber-

ties of the people, when it was wantonly betraying its trusts to place a tyrant in power, when it was staining the land with the blood of kings and martyrs, the Convocation of Clergy steadily proceeded to do a series of acts, without which, he hesitated not to say, the liberties of England must have perished, and the Constitution of this Realm have been sacrificed to tyranny. If any man was disposed to doubt this, let them look back to the time of Henry VIII., when the Reformation took body and shape. The Rev. H. Thompson, in a pamphlet just issued, remarked, that the Convocation had been a positive benefit to the Church was incontrovertible; that it had saved the country from the heresies and follies which defaced the Reformation in other countries, and that every act of the reign of Henry VIII., where the Sovereign and Parliament were concerned, supplied the Romanists with an inexhaustible armoury of weapons, and that it was only from the proceedings of the Convocation in those times that the means of defence were to be obtained. In his (Mr. Borthwick's) opinion it deserved to be considered, whether, as regarded the efficiency of the Church or the advantage of the State, it would not be better to restore the Convocation to its constitutional power; it deserved to be considered whether we had not retrograded since the Convocation was practically abolished, not by reason of the indisposition of the Church to do its duty, but of he having been deprived of that voice in the State which was her right. The hon. Gentleman then read a passage from *Hooker's Ecclesiastical Polity*, cap. vi. sec. 2; and went on to say, that the Constitution of England was framed not merely with reference to the acquisition of national riches. The weal of nations, like that of individuals, depended on pre-eminence of virtue. Two views might be taken of this question—one, the more Ecclesiastical; the other, the more Political. The first contemplated the considerations on which the Church might require that the Convocation should be revived; the second, the considerations on which the State required the revival of the Convocation. The latter would mainly occupy the attention of the House of Commons. In another House of Parliament, and by a right rev. Prelate, the question had been brought under consideration some time ago, and the question then turned chiefly on the utility of the Convocation for the guidance of the Church; but in the House of Commons he intended to call the attention to the degree in which the State stood in need of the advice of the Clergy; and he could not think that he was calling the attention of the House to a mere dogma of constitutional law, or a doctrine of abstract philosophy, but, on the contrary, that this was a question of an eminently practical nature, and well worthy the attention of Legislators. Did they not see a Ministry the strongest by far that the country had ever been governed by for fifty years—strong in the esteem of the country—strong in the individual character of its Members; the head of which, in the House of Lords, was the Duke of Wellington: and its head in the House of Commons, a man whose name would accompany that of the Duke of Wellington throughout all time? Did they not see, he said, a Ministry so strong in itself, so strong in the confidence of the country, stumbling on questions which, but for the absence of the Convocation, would not have existed, or if they had existed, would have presented no difficulties to the House of Commons? Did not the question of Education stop the Factory Bill last year? During the present Session, and at the present moment, had they not got into Parliamentary difficulties of an unprecedented kind, surrounding the attempts of the Government to ameliorate the condition of the factory operatives? Could they forget the startling statements of the noble Lord the Member for Dorsetshire, (Lord Ashley,) when he described the condition of the workpeople in the factories and mines of this country—the miserable darkness in which those classes lived, and the scarcely less miserable material evils which pressed upon them? To what were they to attribute such a state of things but the absence of that high voice which would have pointed out to Parliament the origin of those evils as they arose? If the Convocation had been sitting for the last half-century, these miseries would have been authoritatively introduced to the knowledge of the House of Commons for the purpose of their accommodating the means of the Church to the increase in the numbers of the people and to their condition. Manchester, Leeds, Birmingham, Stockport, Liverpool, and other towns had immensely increased in population, but the Church accommodation had not increased in proportion.

Why? Not because the House of Commons had manifested any unwillingness to grant money for that purpose; not because the people were not willing to support the House in doing so; but because the House had not been called upon by the adequate and proper authority to take cognizance of those evils as they arose; Within the last ten years legislation had proceeded with an almost frightful rapidity; the Constitution was not what it was thirteen years ago. That was the answer to those who might object to any alteration of the existing practice in this respect. It was true that the Bishops might be said to represent the Church in Parliament, but it was only in a limited sense; for they held their seats in Parliament not as Clergymen, but as Barons; they were no more to the Church than what Magistrates were to the State; they discharged the executive, not the legislative functions in the body of the Church. Appeals had been made in this and other Dioceses to the Bishop to decide questions of difference as to certain points which had arisen in the Church, but the Bishop was compelled to reply that he had not the power to decide; that resided in the Convocation, and the Convocation by the custom of Parliament never sat. But let it be observed it was only by custom that the Convocation never sat, because, as was well-known, at the meeting of every new Parliament, the Convocations of the two provinces were severally summoned, not by writs from the Crown, but from the Archbishops, and having met, and been harangued by the Archbishop in a tone of compliment to the Crown, were immediately prorogued. The opinion of Mr. Burke might, perhaps, be cited against him, but in Burke's time there might be a propriety in allowing the Convocation to rest in peace; there were no questions in those days which required its sitting; but since the commencement of the last half century many questions of great moment had arisen, which would have been best settled by that learned body, to whose province they strictly belonged. Why should there be any fear among parties in that House of reviving the Convocation? It was either because their politics were rotten and would not bear the inspection of religion, or because their religion was too light to make it possible that the two should co-operate harmoniously. [The hon. Member was proceeding, when the House was counted out.]

HOUSE OF COMMONS,

Wednesday, April 24, 1844.

Minutes.] New Members Sworn.—The Marquess of Blandford, for Woodstock.

Bills. *Public.*—2°. County Court (County Palatine of Lancaster); Court of Chancery (County Palatine of Lancaster.

Private.—1°. Figge's Naturalization.

Reported.—Pontop and South Shields Railway; Newcastle and Darlington Junction Railway, and Tyne Bridge; Dowager Lady Nugent's Naturalization.

3°. and passed:—New British Iron Company.

Petitions Presented By Mr. Thomas Duncombe, from Hull, and Barnsley, and Visct. Duncan, from Bath, against Registration of Electors (Ireland) Bill.—By Mr. W. Forbes, from Linlithgow, against Dissenters Chapels Bill.—By Mr. Dickinson, from Rev. W. H. Turner, by Mr. Escott, from Somerset. and Wellington, for Alteration of Ecclesiastical Courts Bill.—By Visct. Acheson, from Newtown-Hamilton, (2) and Dundalk, by Mr. Corry, from Clogher, by Sir E. Hayes, from Alt, and Convoy, for Legalising Presbyterian Marriages (Ireland).—By Mr. Tatton Egerton, from Frodsham, by Mr. Whitmore, from Worfield, against Union of Sees of St. Asaph and Bangor.—By the Lord Advocate, from Mull, against Abolition of University Tests.—By Mr. Maclean, from Sir R. Brown, for Enquiry.—By Mr. Dennistoun, from Glasgow, Mr. Divett, from Exeter, Mr. Warburton from Kendal, and Visct. Howick, from Sunderland, against Encouragement of Slave Labour Produce.—By Mr. Mangles, from Surrey, against further Tax on Coals, and by Visct. Howick, from Sunderland, for Abolition of same.—By Mr. M. Gibson, from Merchants, for Reduction of Duty on Coffee.—By Mr. Dennistoun from Glasgow, Mr. Greenall, from Wigan, and from Heywood, for Repeal of Coffee Duties.—By Mr. M. Gibson, from Manchester, for Reduction of Tea Duties.—By Mr. Hawes, from Lambeth and London, and Mr. Wawn, from South Shields, against Charitable Pawn Societies Bill.—By Visct. Duncan, from Bath, against Commons Inclosure Bill.—By Mr. Thomas Duncombe, from Carlisle, for Mitigation of Sentence on Thomas Cooper.—By Mr. M. Philips, from Manchester Law Association, against County Courts Bill, and from P. W. Crowther, Esq. for Alteration of same.—By Visct. Duncan, Mr. Thomas Duncombe, and Visct. Howick, from several places, for Limiting the Hours of Labour (Factories Bill).—By Mr. Chute, from Norfolk, for Alteration of Game Laws.—By Visct. Howick, from Morpeth Gaol, for Abolition of Imprisonment for Debt.—By several hon. Members, against Masters and Servants Bill.—By the Lord Advocate, from Senatus Academicus of Edinburgh, for Reform of Medical Profession.—By Mr. Dennistoun, from Rutherlen, Renfrew, and Glasgow, against Prisons (Scotland) Bill.—By the Lord Advocate, from Ayr and Isla, in favour of Schoolmasters (Scotland).—By Mr. Whitmore, from Bridgenorth, for Small Debts Bill.

Mr. Ferrand, Sir James Graham, Mr. Hogg.] Sir *J. Graham*: I rise to address the House on a case of Privilege, and I am sure that on the part of my hon. Friend, the Member for Beverley, and myself, I may be permitted truly to state, that we are most unwilling to occupy any portion of the precious time of the House, however short, on a matter of a personal character. And if I could have regarded it merely as a matter personally affecting myself, I should have hesitated long before I brought it under the attention of the House; but, as I said yesterday, I feel strongly that whatever concerns the character and honour of any hon. Member

of this House is intimately and indissolubly connected with this House itself; and after what transpired on Monday and yesterday, I am satisfied that the deliberate opinion and dispassionate judgment of the House is, that the matter then considered cannot be allowed to rest where it now is. I have consulted with my hon. Friend, the Member for Beverley, and he and I consider that the proper course for our adoption is, that certain passages of a speech, purporting to be delivered by the hon. Member for Knaresborough, and published in the *Times* newspaper of Wednesday, the 10th of April, should now be read. These passages contain first, the charge against myself, and secondly, the charge which applies both to the hon. Member for Beverley and myself. I do not think it right to add more at present, and I deem that I shall best discharge my duty—and I believe my hon. Friend concurs with me in that opinion—by laying the two passages on the Table, for the purpose of having them read by the Clerk.

The Clerk at the Table read the following passages from the *Times* newspaper of the 10th of April:—

"Mr. Ferrand: I know a little about Sir J. Graham. I have had to battle against him when fighting the cause of the working classes in this county; and a man who took steps to procure a report which was false, merely for the purpose of crushing a Member of the House of Commons who raised his voice in defence of the suffering poor, would not hesitate to keep the working classes in the manufacturing districts in a state of degrading slavery [*Cheers*]. What was his conduct in my own case? I stuck to the man like a leech. [*Cheers*]. I told him the report of Mr. Mott, his assistant Poor-Law Commissioner, was false. I was determined to bring it before the House until justice was done; but he feared to meet me, and dismissed the poor tool who had been his degraded and ignominious instrument in fabricating the injurious report [*Cheers*]. That is not all Sir J. Graham has done of late for the purpose of putting down the advocates of the poor in the House of Commons. You will remember that Mr. Walter was returned for Nottingham, and I have had the honour of battling by that Gentleman's side the enemies of the poor [*Loud Cheers*]. No man has resisted the New Poor-Law more vigorously or at a greater sacrifice of time and money than Mr. Walter [*Cheers*]. It was, therefore, felt necessary by Sir J. Graham to get him out of the House of Commons, for Sir James was a man who could not bear to hear the truth spoken, especially on that subject. A Petition was presented against Mr. Walter's return. The Committee sat several days, and entered into an inquiry as to the alleged bribery and corruption which Mr. Walter had committed in obtaining his seat. They could not prove that he had spent one farthing, nor had he; they could only prove that his friends in the town of Nottingham, not his agents, had spent between 30*l.* and 40*l.* in money and what they called treating. The Committee was divided—there were three Whigs for throwing him out, and three Tories for keeping Mr. Walter in. Mr. Hogg, the Member for Beverley, one of the most pure Boroughs in the Kingdom forsooth [*Loud Laughter*], whether he got his seat for 40*l.* I do not know—but this Tory Chairman aided Sir James Graham and the Government in unseating Mr. Walter. Mr. Hogg tried to explain away his conduct on that occasion; the whole of the Government side of the House, on which I sat, listened with feelings of disgust while he higgled and haggled through his explanation; but there was one man who vociferously cheered, and that one man was Sir James Graham!

After the Clerk had read the passage,

The *Speaker*: Is the hon. Member for Knaresborough in his place?

No answer.

Sir *R. Peel*: Sir, I believe I am acting in conformity with general usage in undertaking, on account of the position in which I have the honour to be placed in this House, as the head of Her Majesty's Government, respectfully to tender to the House my opinion as to the course which it will be desirable to pursue. I advised the House in the course of yesterday evening, when this subject was under consideration, to permit an interval to elapse before they came to any decision, in order that there might be the opportunity during that interval for each Member, taking an interest in this case, to refer to the precedents which have been established in cases at all of an analogous description. The position in which we are now placed is this—that two Members of this House, considering that their character is affected by charges which appear to have been preferred against them in a speech delivered at a public meeting, reported in one of the newspapers of this country, and attributed to a Member of this House, have thought fit, in the exercise of their right, as Members of Parliament, to place on the Table of the House the passages of which they complain, in order that the House may take that course which may appear to them to be the best. That is the position in which we are placed. I have referred, during the interval which has elapsed since this subject was last under our consideration, to the cases in

recent times, which appear to bear upon this question. I think the three principal cases are the case of the complaint preferred by Lord Maidstone against Mr. O'Connell; the application made to the House by Mr. Sheil, the right hon. Gentleman who is now a Member of this House, for the vindication of his character against certain charges which were brought against him in a speech delivered by a Member of this House, Mr. Hill, at a public meeting; and the third case is a complaint made by the hon. Member for Warrington, Mr. Blackburn, against a Gentleman who had been unseated by the Report of a Select Committee, Mr. Poulter. These are the cases in recent times which appear to have an immediate bearing upon the proceedings in the present instance. I will not point out the nice distinctions which may exist between these several cases and the present. The conclusion which I have drawn from the course pursued on the whole of these occasions is this, that it would be right upon the present occasion to resolve, that this House will take the complaint which has now been made by two of its Members, into consideration on Friday next. My respectful advice to the House is, that we shall proceed in this case with strict adherence to all established formalities—that we shall give no party any right to complain that we are taking advantage of admissions casually made by him, or that we are acting precipitately, or have refused to allow him an opportunity of maturely considering and explaining anything which he may have said. I think that, in the course of yesterday, the hon. Member for Knaresborough did distinctly admit that the paragraph complained of contained a correct report of his speech. He also stated that he was prepared to abide by the charge which that paragraph implied. Still, although he made that admission, the hon. Member did not conclude the speech he was then delivering; and it is possible, that had that speech been brought to a conclusion, it might have been accompanied with qualifications which he had not an opportunity of making. I think, therefore, that strict justice would incline me to advise that we should not take advantage of admissions made under such circumstances. I should advise that we resolve to take the matter of this complaint into consideration on Friday next; and I would accompany that resolution with another, namely, that the hon. Member for Knaresborough should attend in his place on Friday next, for the purpose of hearing that paragraph read to him by the Speaker, in order that he may state whether or not he admits this report to be a correct report of what he said; and I think also that we ought to give him an opportunity of substantiating the charges which he has made. If he admits the Report, and if he states that he is in a condition to prove it, and that he is willing to attempt to prove the charges which he has preferred, my advice to the House is, to give him an unreserved opportunity of doing so. I would not assume the falsity of the Report; but I would advise the House, if the hon. Member is willing to undertake the proof, to appoint a Select Committee for the purpose of enabling the hon. Member to establish his charges. I will discuss no other contingencies, and I trust that I have spoken as becomes my position in giving my advice to the House. Acting upon the assumption that the hon. Gentleman will repeat the admission of the correctness of the Report, and that he is on Friday, after mature deliberation, willing to take that course which any man, admitting the accuracy of such a Report would be inclined to take, that of professing his readiness to substantiate by evidence his charge, I will not discuss any other assumption. My advice to the House is, that we in this matter act most dispassionately, and with due regard, if not to any precedent we may be about to establish, still to the extension of the precedents we have already before us. My advice is, that all due observance should be paid to the forms established; I therefore content myself with moving, that this House will take the said complaint into consideration on Friday next; and if the House should adopt that Motion, I will then move that Mr. Ferrand do attend in his place on that day.

Lord *John Russell:* I rise merely to say, that I entirely concur in the course now proposed by the right hon. Gentleman. In the present state of the matter, I think I cannot do better than refrain from saying a single word respecting it. I think a fitter course could not be pursued under the circumstances.

Mr. *French:* The impression on my mind is, that the words which have been

just read to the House do not bear out the charges which are alleged to have been made against the hon. Member for Beverley; and as to the charge against the right hon. Baronet, of having tampered with the hon. Member for Beverley, I cannot see that the article in the *Times* at all sustains the construction which has been put upon it. With respect to the case of Mr. Mott, I can only say that the right hon. Gentleman did read a document which had been got up by Mr. Mott, and which document, if the public papers speak the truth, was acknowledged to be false, and Mr. Mott has since been dismissed from his office. I think, that as far as the hon. Member for Beverley is concerned, he must have perceived, from the cheering of the House that his character stands altogether unimpeached. I can bear my testimony that his character is as unimpeached, as it is unimpeachable. As to the hon. Member for Knaresborough, I must admit that he has the misfortune of not being able to control his tongue. But I think it a dangerous precedent, that a Minister of the Crown, backed by a majority of the House, should be able to put down any man, by declaring what may have been said to be false and calumnious, who ventured to bring a charge against him. On that ground I, at this early period, rise to protest against it.

Sir *Robert Peel:* The hon. Gentleman has altogether mistaken the course I proposed to pursue. I did not intend, that the House should pass any hasty Resolution. What I proposed was simply this, that if the hon. Member for Knaresborough should repeat the charge, after hearing it read by the Speaker, then the House should give him a full opportunity to substantiate it.

Mr. *Thomas Duncombe:* I am not quite satisfied that we are arguing from precedent. I think, according to precedent, the proprietor or publisher of a newspaper is, in a case of this kind, ordered to attend at the Bar. In this case, it does not appear to me, that we have anything to do with the newspapers. But you have put in a newspaper, and if you do so, you ought to call the printer or publisher to the Bar. [Lord *Stanley*: No, no.] The noble Lord says "no." The noble Lord, I think, yesterday went further than any other Member in expressing his opinion upon this matter; for he stated that there was not a single Member of the House who did not know, and that the hon. Member for Knaresborough himself knew, that what he stated was false. That was going a long way. The right way of proceeding on this occasion was that which the right hon. Secretary for the Home Department suggested—namely, that the words of the hon. Member for Knaresborough should be taken down. The hon. Member for Knaresborough, in his place, declared that those words were used. Why, then, should the House go through the intermediate process of reading a newspaper? What have we to do with the newspapers on this occasion? In what I am saying I do not mean in the slightest degree to justify what the hon. Member for Knaresborough stated in his speech. On the contrary, I do not believe there was the slightest pretence or justification on his part for making those assertions or accusations against the two hon. Members of this House. But it must also be recollected the peculiar position which the House is in—that those two hon. Members for ten days after the speech was made took no notice whatever of it. Certainly, when I read that speech, as reported in the newspapers, it did occur to me that on the first day of Parliament meeting, we could not separate without those two hon. Members (Sir James Graham and Mr. Hogg) calling upon the hon. Member for Knaresborough, who had so calumniated them, as no doubt he had done, before 4,000 of his fellow-subjects. The hon. Member for Beverley stated that he had been advised by his friends to treat the charge with silent contempt. I think the hon. Gentleman received good advice. Then what occurred? Another hon. Member, totally unconnected with either the right hon. Baronet, or the hon. Member for Beverley, gets up and says to the hon. Member for Knaresborough—"Pray did you say so-and-so of Mr. So-and-So?" If such a question had been put to me, I should have said, "Pray what business is that of yours?" I certainly should have said, had either of those two hon. Members who feel themselves personally aggrieved put the question to me, that I am ready to give you any explanation or satisfaction in this House or out of it; but if they do not think proper to call upon me, I don't see what right any other hon. Member has to call upon me. I think that would have been a very proper and good answer, and

had it been made, I do not know what the right hon. Gentleman (Sir J. Graham) and the hon. Member for Beverley (Mr. Hogg) would have done; but I think they would have persevered in treating this absurd affair with the contempt it deserved. But here we are; one Member asking a question of another, who, perhaps, being taken off his guard, admitted having made the statement. Therefore, we have to deal with that statement. The hon. Member has avowed it, and why we are going now in this round-about way to put in a newspaper I know not. I should say, the proper way would be at once to appoint a Committee of the House, however few in number. I would let the hon. Member for Knaresborough himself nominate a Committee of any three or five Members; and if before that Committee he refused to substantiate his charges, or if in that Committee he failed to sustain his accusations, then it would be for the Committee to report that there was no foundation for the accusations or imputations cast upon the two hon. Members. If such a Report were made, I do not believe that the House would be required to exercise that authority which it undoubtedly possesses, of calling upon the hon. Member for Knaresborough to retract the charges he had made, and to do everything in his power, by retracting those charges, to excuse himself not only in the eyes of the House, but also in the eyes of the hon. Members he had unjustly accused. I do not, I say, believe that he would require the authority of this House to be exercised; because I trust that he would, as a Gentleman, be ready to say, that he regretted having made those charges for which there was no foundation whatever.

Mr. *Disraeli* said,—Sir, as I was a Member of the Nottingham Election Committee, and as I am as well aware probably as any Member of this House of the conduct of the hon. Member for Beverley, and of the utter groundlessness of the charge against him, I may venture to offer a few words to the House on this subject. The groundlessness of the charge against the hon. and learned Member is so evident to every one who has the pleasure of his personal acquaintance, that it is scarcely necessary for me to dwell on it. I believe that no man ever performed his duty more satisfactorily to a Committee than did our Chairman on that occasion. I entirely differ with him as to the conclusion to which he came, but I never questioned for a moment the conscientious spirit which guided him; nor was there any but one feeling in the Committee on the subject. With regard to the hon. Member whose comments are now under our consideration, I entirely disapprove of the course he has taken; I disapprove of the spirit he has constantly evinced towards an important division of Her Majesty's subjects—of the tone he has evinced towards the master manufacturers. In that tone and spirit I do not share. I acknowledge them as a most important body of men—as men in importance second to none. I repeat, that I disapprove of the course taken by the hon. Member for Knaresborough; I speak therefore with no prejudice in his favour; and yet I believe that the course which the House is about to take in treating this subject, is one injudicious in itself, and which we shall undoubtedly regret. Two courses were open to the hon. Member for Beverley, if he thought himself aggrieved, and that the charges made against him ought to be noticed. He might have asked some friend—some friend of good sense and good temper—and requisite firmness—to apply to the hon. Member for Knaresborough. [*A laugh.*] Oh, I know some gentlemen think that an appeal of that kind can only lead to Wimbledon-common and pistols; but I am of opinion that in 99 cases out of a 100, or rather in 999 cases out of a 1,000, such a result would not come to pass. I have no doubt that had this case between the hon. Member for Beverley and the hon. Member for Knaresborough been intrusted in that way to individuals to settle, the result would have been amicable. I believe that a result might have been come to that would have been satisfactory to the honour of the hon. Member for Beverley and not degrading to the hon. Member for Knaresborough. But there was also another course; the hon. Member for Beverley might have thrown himself upon the House; he might have called upon the House to protect him in his official character. But the hon. Member did neither; he made neither a public nor a private appeal; another hon. Gentleman, who assumes to himself the position of public accuser in the House without giving any notice of his intention to moot the subject—without affording that golden bridge

which the social spirit always allows to any man who may have given utterance to an intemperate or an indiscreet expression—without giving an opportunity to the parties to arrive at a gentlemanly result. [Mr *Roebuck*—"Hear."] The hon. and learned Gentleman seems to approve and to exult in the mischief which he has been the means of bringing about, —I say the hon. and learned Member introduced the subject to the House, although the hon. Member for Beverley had not thought that necessary. And, with all my feelings for the hon. Member for Beverley, and believing the imputation on him by the hon. Member for Knaresborough to be most groundless, I still do conceive that nothing could have been more indecorous than the manner in which the hon. Member for Knaresborough was received on the first night of this discussion, — nothing more inconsistent with the judicial character we are assuming. Why, the hon. Member for Bath began his judicial proceedings by sarcasms. That was the way the hon. and learned Member introduced the subject to the House. To be sure they were not very successful; but they sufficiently showed his disposition. If the master-hand was not apparent, the motive certainly was. The hon. Member for Beverley has not elected of his own will, either in public or private, to appeal to the hon. Member for Knaresborough. The affair has been gratuitously precipitated on the notice of the House by an individual; and the very body who are judicially to decide upon the question have unfortunately shown a disposition not exactly in unison with what we conceive to be a judicial spirit. Certainly the right hon. Baronet at the head of the Administration has to night endeavoured to restore some degree of order to the subject—to invest the proceedings of the House with some degree of dignity and decorum but the question now arises whether, after we have wasted two nights in discussion on the subject, and have at length got the extracts from the paper on the Table, it will not be expedient to go a little further, and let the matter fall altogether to the ground. For, it appears to me, that we are about to enter on a very delicate subject, a subject of no common seriousness—on the question what are to be the limits allowed to public discussion? Is it to be understood clearly that no charge is to be made against any hon. Member, but the House of Commons is to step forward to convert themselves into a court of honour, and to call on the accuser to prove the truth of the charge so made? I think there is already sufficient power to keep speakers in order in that responsibility which attaches to every man. I have heard many charges made in this House of a very grave character—graver than any that have been made by the hon. Member for Knaresborough, I heard a charge made last Session by an hon. Gentleman occupying a very different position from that of the hon. Member for Knaresborough, — by a man of high station in this House. Did not the right hon. Baronet at the head of the Government himself rise in this House and charge an hon. Member opposite with making speeches with the purpose of stimulating men to commit assassination? I should like to know who in that case moved the House against the right hon. Gentleman? Yet the right hon. Gentleman when he made that declaration must have been perfectly aware that it was one which could not be substantiated by proof. You did not attempt to cow him, you did not hoot the right hon. Gentleman on that occasion as you did the hon. Member for Knaresborough, but you quailed under the accusation which he could not prove and which you repudiated in a way which I think reflected very little credit on your spirit. But the hon. Member for Knaresborough comes before you, obnoxious to many on account of the cause he advocates; he comes forward unsupported by a great and powerful party, and then an opportunity is taken of getting up a cry against him. He is baited and bullied. ["*Oh.*"] Yes, I say he is bullied—one hon. Gentleman gets up after another hon. Gentleman, all to assail one man, and he is treated in a way, not usual, as I believe, in this House. I say if the common courtesy of society had been exercised towards him, he would have had an opportunity of extricating himself from the position—a very painful one I admit—in which he was placed—an opportunity which is uniformly granted to every Member of this House. But the hon. Gentleman has not been afforded that opportunity. It is said that he has flown from this tribunal. I must say I am not at all surprised that the hon. Gentleman did not select this tribunal as the one

by which he would wish the question to be tried. I have not had any communication with the hon. Member, except as I passed into the House yesterday, when I said to him that I thought he had a very bad case, and a worse tribunal. My impression is, Sir, that the hon. Member did not in any way fly from the charge, but that he did clearly and distinctly demur to the tribunal. I understood him to mean, that he considered, on reflection, that he was in a position in which it was necessary for him to enter into an explanation with those individuals whom it was thought he had offended, and that he was ready to enter into such explanation in the proper manner and in the proper place. He did not consider that the quarrel between him and an hon. Member ought to be made the quarrel of the House of Commons, or that the House ought to convert itself into a court of honour. Now, the point for the House to consider —sympathising as all of us do with the hon. Member for Beverley, yet wishing to act towards the hon. Member for Knaresborough in the spirit of justice—the practical point for the House to consider is, whether we are not establishing a dangerous precedent in beginning to act as a court of honour, taking up all questions of controversy which may arise between hon. Members? Between the hon. Member for Beverley and the hon. Member for Knaresborough there was a clear course which would have led, as I think to a satisfactory conclusion. Between the hon. Member for Knaresborough and the right hon. Baronet the Secretary for the Home Department there is a totally different quarrel. I have heard the hon. Member for Knaresborough on several occasions enter into a detail of the circumstances connected with the great Mott case, and I have heard the right hon. Gentleman the Secretary for the Home Department answer the hon. Member for Knaresborough, and I have also heard the right hon. Baronet at the head of the Administration discourse on this subject. I have heard them all; and I honestly and frankly declare that I never could annex a definite idea to any single circumstance that transpired in that most complicated transaction. Something in it there certainly was, the case was not altogether *in nubibus*—there was a case, there was a sub-Commissioner, a Report that was quoted and not printed, a Commissioner that was quoted and dismissed. That there was altogether a considerable degree of suspicion involved in the circumstances of the case no one can deny. But because there was this suspicion, did any one suppose that the right hon. Gentleman the Secretary of State for the Home Department, in his exalted position, would pervert his power for so slight an object? There is no *dignus nodus* for such an interference; and yet a Member of Parliament of warm feelings and of a decided character, not supported by any great party in the House, involved in a personal discussion with a Minister of the Crown, and who thinks he has been unjustly treated, who believes there has been an attempt to put him down, or as it is usually termed crushed, might take an extreme and exaggerated view of his position, and suppose himself engaged in a contest with a powerful Government. What more natural? It excites the fancy —it appeals to vanity. It is indeed the most natural thing in the world. But yet that because the hon. Member for Knaresborough, when addressing large bodies of the operative classes of the community with whom I think he has great influence —because he states "that he will stick like a leach to the Home Secretary," "that the Home Secretary has got up a report which was never printed, but which he brought out of his red box on the green table to meet the hon. Member with" —"that, confident in the energies and feelings of the people, he defied the Minister and all his made up reports, and that he should not crush him." Good God, Sir, have we come to this, that because a mere Member of Parliament says such things as these, that men like the right hon. the Secretary of State are to come forward with that demure countenance which he can put on, and say the State is in danger—that something is rotten in the state of Denmark—that the House of Commons must interfere to vindicate the reputation of this, I believe still strong, though not popular Ministry? I cannot believe that the hon. Gentleman would have taken of his own free option the course he has taken. I will stake my existence that if there had been no allusion to the case of the hon. Member for Beverley we should never have heard of the great Mott case. It is entirely the case of the hon. Member for Beverley. I declare I never read the speech of the

hon. Member for Knaresborough. I have not time to read those speeches made in this House, which I don't hear, much less the speeches made at meetings in the country; but, when I heard it read to-night with unusual powers of elocution by our learned clerk, I listened with great attention, and looking to what has resulted from that speech, I must say I was surprised at the weakness of the assault. I declare, on my honour, that that was the impression left on my mind on hearing the extracts read which have given rise to this discussion. I really thought that the hon. Member for Knaresborough, when addressing on that occasion the masses and the millions of his fellow-countrymen, did lose a great deal of the fire and inspired fervour which usually characterize his speeches in this House. It appeared to me that he did not make his attack on the hon. Member for Beverley absent with half the fire and energy with which I have heard him attack the hon. Member for Stockport present in speeches which might indeed have been read at the Table, and on which a Secretary of State might indeed have risen gravely to move a solemn resolution. I think this subject was treated in a great measure in the right way by one who last night spoke upon it. I think the right hon. Baronet at the head of the Administration treated this subject in the right way, when with that historical research and that unrivalled memory for which he is famed, he referred to the case of the bottle conjuror. And I must say I was surprised that after the right hon. Gentleman had set such an example, he was followed by the noble Lord the Member for Lancashire in such a different spirit. There is always something chivalric about the noble Lord the Member for Lancashire; and one cannot but admire him, when hastening to the rescue of his right hon. Friend, the Secretary of Sate; but when he was giving a proper model for the future orations of the hon. Member for Knaresborough — when he wished to teach him what should be the subjects of Parliamentary discussion, and the spirit in which the hon. Member should sustain them — I must say I could not suppress my surprise at seeing the noble Lord get up, and in his zeal to inform the hon. Member for Knaresborough, first denounce his statements as calumnies, and then charge the hon. Member with having made those statements knowing them to be calumnious. That is the model by which the hon. Member for Knaresborough, probably stationed in the lobby, will profit when he returns to the House. He will probably follow the noble Lord's example, and we shall find the speeches of the hon. Member for Knaresborough hereafter distinguished for all that amenity of manner and that choice selection of conciliatory phrase which have hitherto distinguished the speeches of the noble Lord the Member for Lancashire. The noble Lord declares the hon. Member for Knaresborough is an intentional calumniator. I should like to know how the noble Lord can prove that? How will the noble Lord substantiate that assertion, better than the hon. Member for Knaresborough has substantiated his. The noble Lord, in this case, as in so many others, first destroys his opponent, and then destroys his own position afterwards. The noble Lord is the Prince Rupert of Parliamentary discussion; his charge is resistless; but when he returns from the pursuit he always finds his camp in the possession of the enemy; and, as if all these great guns were not sufficient to sink this unfortunate craft, then comes the right hon. Gentleman the Secretary of State to keep up the solemn inspiration of the farce, and rising, tells us, "This is the British House of Commons. This is not a hustings." Gentlemen it seems may tell lies upon the hustings, but Gentlemen may not tell lies in the British House of Commons. This is the political morality of the right hon. Gentleman the Secretary of State. Now, I entirely differ from the right hon. Gentleman on this point. I certainly do not think Gentlemen ought to tell lies in the House of Commons; but I also think hon. Gentlemen ought to be as careful in what they say on the hustings. I even go farther than that; I say that hon. Gentlemen ought not even to make pledges on the hustings which they do not mean to keep in the House of Commons. I don't think that a Gentleman on the hustings, for example, ought to denounce the New Poor Law, and then come into the House of Commons and vote for it— I call that corrupt and unprincipled conduct, and if there be any Gentleman in this House who has been guilty of that conduct, why he may rise in his place and propose a vote of censure on me for saying so. Now, Sir, it seems that on Friday next the hon. Member for Knaresborough is to

come into this House, if he chooses to accept the lenient alternative offered him by the right hon. Baronet at the head of the Government, and we are then to re-commence the proceedings of which we now have had three rehearsals. Whether the piece will succeed after so many initiatory proceedings, I cannot take on myself to decide; but this I do know, that no attempt by this House, whether right or wrong in the beginning, from the time of Sacheverell to our friend Mr. Stockdale, to run down an individual, has ever succeeded, or has ever terminated to the advantage of this House, or the increase of their favour in public opinion. Remember what another Sir Robert—not a greater man than our Sir Robert, but still a most distinguished one—said with respect to the case of Dr. Sacheverell. He said "he had had enough of roasting a parson;" and I must say, having differed from the right hon. Gentleman on subjects analogous to the present, that, after the experience he has had of the assertion of Parliamentary privilege,—although he was assisted on those occasions by the noble Lord the Member for London, who, I observe, has rather withdrawn his support of late from Her Majesty's Government. I think the right hon. Gentleman, taking as he did the great historical view of the case, the "bottle conjuror" view of the case, might really, after what has occurred, allow the matter to drop, feeling assured that the hon. Member for Knaresborough has received a great moral lesson, and that when he appears on the hustings in future, he will, as I doubt not he will, not adopting the distinction of the right hon. Gentleman the Secretary of State, be almost as cautious there as he is in the House of Commons.

Captain *Berkeley* said, the hon. Gentleman who had just sat down, had, in one part of his speech, strongly advised a proceeding which every Member of that House must set his face against. The hon. Gentleman proposed that the hon. Member who had received the insult complained of should make it a personal quarrel. Now, such a doctrine broached in that House, and more especially when it concerned a Gentleman like the Member for Knaresborough, whom the hon. Gentleman had himself described as being of a very fiery temper, was, to say the least of it, very extraordinary. He hoped that he should never, in the heat of debate, utter a word that would be offensive to any hon. Member, or that if he did so, he should at once be ready to apologize. Least of all, however, would he be disposed to make a personal quarrel of anything that occurred with an hon. Member in his public capacity. The hon. Gentleman had said that, in his opinion, the House ought to drop further proceedings in this matter. There he differed from the hon. Member. Had the affair been confined to what originally appeared in the newspapers, perhaps it might have been passed over with silent contempt; but when the hon. Gentleman the Member for Knaresborough, after twenty-four hours' time to deliberate, came down, and in the most solemn way pledged himself to the truth of the Report, and not only pledged himself to the truth of it, but also said that he had not one word to extenuate of what he had said, under such circumstances he could not think that it would be consistent with the dignity of that House, or with the rules which regulated their proceedings, to allow the matter to drop. One word more, especially after the able defence for the hon. Member for Knaresborough, that had been made by the hon. Member; it would be in the recollection of every hon. Member, that the hon. Member for Knaresborough used to be cheered on most vociferously by hon. Gentlemen opposite, whenever he made use of violent and harsh language against the Anti-Corn Law League and the manufacturers on that (the Opposition) side of the House; they cheered him on his unenviable notoriety. They had themselves in a great measure to thank for the proceedings on the part of the hon. Member for Knaresborough, which had given rise to the discussion to-night. He (Captain Berkeley) had heard it very aptly remarked by an hon. Member on his side of the House, that the hon. Member for Knaresborough was kept as a dog to bait the manufacturers, but that having broken his chain he had turned round, and was now worrying his masters.

Lord *J. Manners* said, it was my intention, Sir, if any Vote of Censure had been proposed to be passed on the hon. Member for Knaresborough, to have moved the previous question. After what has taken place this evening, I think it right to move that question as an Amendment on the Motion of the right hon. Baronet. I do this on general grounds, because I am not

prepared to agree in the general proposition laid down by the right hon. Baronet the Secretary for the Home Department, that this House is bound, in every case in which a quarrel takes place between Members, to interfere and see justice done. I cannot help being decidedly of opinion, that if the hon. and learned Member for Beverley felt aggrieved by anything which had been said out of the House, two courses were open for him to have pursued. The one has been hinted at by the hon. Member for Shrewsbury, and the other course sanctioned by the law, was an appeal to a Court of Justice. Indeed, I have heard that there are some proceedings now pending over the hon. Member for Knaresborough of a similar kind. Under these circumstances I must protest against the House adopting the course proposed by the hon. and learned Member for Bath, and by my right hon. Friend at the head of the Home Department, and against its taking upon itself to say, which party is right or which is wrong in a matter of this kind. This House has already sufficient business to transact without taking upon itself those functions and duties which properly belong to the courts of law. And let me add, that although by adopting such a course we may lessen the business in the courts of law, we should greatly add to that of this House. Denying then the general principles which have been laid down on this occasion, allow me now to refer to the case of the hon. and learned Member for Beverley. I almost ought to apologize to him for entering upon his case, and I think I ought at once to observe that nothing is further from my intention in proposing my amendment than in the slightest degree to express anything like an opinion against the honour and character either of the right hon. Baronet (Sir J. Graham) or of the hon. and learned Member for Beverley. After guarding myself against any such imputation, I must entreat the House to reflect candidly and impartially upon what is the direct charge from which the hon. and learned Member for Beverley would infer a libel on the part of the hon. Member for Knaresborough. Like the hon. Member for Shrewsbury, I listened attentively to the paragraph when it was read by the clerk at the Table, and also when it was read in the first instance by the hon. and learned Member for Beverley himself, and on the moment I heard it, I felt confident that the imputation which the hon. and learned Member thought he could prove to the House could not with reason be inferred from it by the House, because in the next sentence which the hon. and learned Member uttered after reading the extract he asked the House "Is there any human being who can read that article"—[An hon. *Member*:—"What article?"] Why, the article in *The Times*:—

"Is there any human being, (said the hon. and learned Member for Beverley) who can read that article and not be impressed with this—that it is scarcely an implied but a distinct charge against me, of having been influenced by the Home Secretary and the Government basely to forego my duty, and to give a verdict for the exclusion from the House of a person who was unacceptable to them? If in a court of justice you were inquiring the obvious meaning of an alleged libel, you would ask any man of plain understanding, what was the obvious intent and construction of the words?"

And then the hon. and learned Member said, that for the meaning and construction of the words he referred to the journal itself. Now, I protest against such a line of argument. I say, that when a charge is made for words contained in a speech delivered out of the House by a Member in which dishonourable motives are supposed to be imputed to another Member of the House, you must take the words which are said to form the accusation in their literal acceptation, and you are not to say, "Read such a newspaper and see what are its comments upon the words used." You must not put two and two together in order to make a whole, and upon this, say whether or not the party who had uttered the words intended so and so. Such a course of proceeding is essentially unfair; and if that is the course pursued in courts of justice, then I say, give Mr. Ferrand all the privileges he would be entitled to in a court of law, allow him time to prepare his defence, appoint him counsel, and afford him all the facilities given in a court of justice to every person charged with a crime. Pursue this course, and do not say you will admit accumulated evidence to prove the guilt, that you will take up another article and couple it with the plain English words uttered by a plain English man, and thus extract something that may seem to be libellous. I call upon the House to come to a decision on the literal words of the extract which has been read from the

speech. Let hon. Members look at those words. I have not only listened to them, but I have read them with deliberation and attention half-a-dozen times, and I defy any man to assert that any imputation upon the honour and character of the hon. and learned Member for Beverley can be extracted from them. The words which are said to convey the charge as brought forward are these:—

"The Committee appointed to try the Nottingham petition consisted of three Whigs and three Tories—the Committee were divided—the three Whigs were for throwing him out, the three Tories were for keeping him in. This Tory Chairman, Mr. Hogg, the Member for Beverley—one of the most pure boroughs in the kingdom, forsooth—aided Sir J. Graham and the Government in unseating Mr. Walter."

Now, is there in these words any imputation of dishonourable motives upon the hon. and learned Member for Beverley? I cannot perceive anything like it. [*Oh! Oh!*] The hon. Member behind me cries "Oh!" but I repeat that this is my firm impression. Those words contain statements of facts, not imputations. I have myself marked the unpleasant altercations which have taken place in this House between the right hon. the Home Secretary and the late Member for Nottingham (Mr. Walter), and I have no hesitation in saying, from what I have noticed that the right hon. Baronet was very glad that Mr. Walter was unseated. That therefore, is one fact, and the hon. and learned Member for Beverley was the Chairman of the Committee which turnedout Mr. Walter. These are two facts, I think, two strong facts, from which to draw a conclusion. I draw none myself, but it is competent for any man to draw from those facts an inference; and I say the hon. Member for Knaresborough has not even drawn an inference of his own from them. But when the accusation was first made, I fully expected that it would have appeared that the hon. Member for Knaresborough had gone the length of saying, that the conclusion he had drawn was one affecting the honour and character of the hon. and learned Member for Beverley. The words read contain, as I contend, no such imputation, and therefore the charge falls to the ground. With respect to the other matter—the accusation against the right hon. Baronet the Home Secretary,—the right hon. Baronet is himself the best judge in the matter, and he himself expressed a wish in the first place that the affair should rest where it is. Now, I imagine, after that declaration, the House will feel itself justified in allowing the matter to rest in its present position. You have had now two nights' discussion; the matter has gone all one way; the affair has been mixed up with a very bad party spirit; it was commenced without any notice or announcement by the hon. and learned Member for Bath, whose right to bring before the House either the private or public quarrels which take place between its Members I doubt, and therefore on those grounds I shall move the previous question.

Mr. *Smythe*—I rise to second the amendment moved by my noble Friend who has just sat down, and in doing so, I desire to address only a very few words to the House. I must observe that, in seconding the amendment, I am only actuated by a sense of justice. I entertain no sympathy in the political opinions which I have heard broached on several occasions in this House by the hon. Member for Knaresborough, and more especially on the subject of the Factory question. I believe that the course he has pursued on that question has been most delusive, hazardous and pernicious; but I am not only of opinion that the right hon. Baronet at the head of the Home Department requires no indirect means to enable him to crush a political opponent, but I think, (and I can afford to say so, because I have attacked in this house a much higher personage than the right hon. Baronet) that the right hon. Baronet by his straightforward, unswerving onwardness on the Factory question, has exhibited another proof of great administrative ability. I think that the hallucinations of the hon. Member for Knaresborough with respect to the right hon. Baronet are only to be matched by the hon. Member's hallucinations with regard to machinery. I still, however, unlike the noble Lord the Member for Lancashire, believe the hon. Member is in earnest, and I must be permitted to observe, with reference to what has fallen from the right hon. Baronet at the head of the Administration, that on Friday next a Committee shall be appointed, before which the hon. Member for Knaresborough is to be summoned. Is it not so? ["No, no."] Well, then, he is to be summoned to attend in his place, and to be

called upon to substantiate the charges which he has made. Now, I apprehend those charges involve a question of motive, and not a question of facts. Suppose the hon. member were summoned—he has no more facts to adduce than those adduced at present. In the case of the hon. and learned Member for Beverley I believe the facts are already before us all. I believe, in common with everybody else, that the inference drawn by the hon. Member for Knaresborough that the hon. and learned Member for Beverley was influenced by corrupt motives is perfectly absurd; on the contrary, I believe that the motive which influenced the hon. and learned Member for Beverley was an outrageous sense of public virtue; and for us who have affirmed the decision of the Committee of which the hon. Member for Beverly was Chairman—for us who have affirmed the resolution of the Nottingham Committee, that any Gentleman who pays 40*l.* for his seat shall cease to sit in Parliament—I must say, that if the hon. and learned Member for Beverley has exhibited more than Roman virtue, we exhibit more than Roman effrontery, because, unlike the Roman augurs, we can look each other in the face without laughing. But what is the fact in respect to the hon. Member for Knaresborough, whom I cannot help thinking, we have been bullying a little when we called upon him to prove his belief in the matter? What hon. Member will take upon himself to prove any one of his beliefs? There is in this House a prevalent belief in the right hon. Baronet the Member for Tamworth. Will any Gentleman prove his belief? The hon. Member for Finsbury, I have heard, believes in the six points of the Charter; will he come forward and undertake to prove his belief? [Mr. *T. Duncombe*—Yes, I will.] It will be a curious exposition. For myself, I must say, that if I were asked for proofs as to matters of my belief, I should have very great difficulty in finding them. Now, for instance, I cannot help thinking, that we owe the whole of the mischief which at present surrounds us to the hon. and learned Member for Bath; I believe that there has been something a little like an understanding between purity and power. If, however, I am called upon to justify this belief, I can only say I believe it from an intimate observation and study of the hon. and learned Gentleman's political career. I am not to be deceived by the mock severities of spurious patriotism; that assentation which masks itself beneath the guise of cynicism, assailing all men, but sparing one man; aspersing all men, but fawning upon one man; continually inferring that were one not the Diogenes of Bath, one would wish to be the Alexander of Tamworth; that, Sir, is the surest of flatteries. The whole of these asperities and heats are owing to the hon. and learned Member for Bath; he took the hon. Member for Knaresborough by surprise—he took the House by surprise—he took the country by surprise; for I doubt not the country will feel great surprise at finding that this House has postponed such a measure as the Poor Law Bill, and at the instance and instigation of the hon. and learned Member for Bath has entertained these paltry personalities. Nor will that surprise be lessened when the country remembers that the hon. and learned Member for Bath presents a remarkable antithesis in his own person, being at once the rebel's agent and the Queen's counsel—the champion of Mr. Papineau, and the defender of a Secretary of State.

Sir *R. Inglis.*—I have as yet taken no part in this debate, and I could have wished that others would have followed the advice which has been given by my right hon. Friend at the head of the Government. It is not my intention to protract this discussion, but I cannot hear from such an authority as my noble Friend the Member for Newark (Lord J. Manners) the assertion made, and cheered by the House, that there are only two courses for an individual whose character is attacked to take—the one a reference and appeal to a Court of Law, the other an appeal to that which has been hinted at—not obscurely—by the hon. Member for Shrewsbury. The question at issue between my noble Friend and myself is this—whether the individual assailed should have recourse to law or should violate the law? I humbly submit that there is another course—a course which has been taken in the three former instances to which my right hon. Friend at the head of the Government has referred, and to which precedent he has asked the House now to have recourse. Though I listened most attentively, as I always do to every thing that falls from my noble Friend, I cannot but think I must have misunderstood him on this oc-

casion. If I have not misunderstood my noble Friend, I must oppose the conclusion to which he has been leading the House.

Mr. *Roebuck:* I fear I shall disappoint the House, for I am going to speak to the question. It strikes me that the position of the question before us is at present very simple—it cannot very well be mistaken—I can state it in three words. A Member of the House has charged a Minister of the Crown with an improper use of the powers of his office, for the purpose of getting a false report made to this House in order to crush a Member of this House. That charge was made in the hearing of the House by a Member of the House. Proceeding in support of that charge, the same Member went on to say that the same Minister of the Crown had employed his influence with another Member to induce him to forget the oath he had taken to administer justice, and to return an untrue verdict. The first part of the charge was openly made by the hon. Member for Knaresborough himself, and upon it a Motion is made in this House. But before I go to that, let me recall to the minds of hon. Members how that charge was brought forward. It has been said by an hon. Member opposite that the whole of the mischief is attributable to the hon. and learned Member for Bath. Now, I thought fit to ask of the hon. Member for Knaresborough if he had made a certain accusation. The hon. Member got up and complained that I had given him no notice, but he affirmed that he had made the charge, and he reiterated it. If I were to charge the hon. Member opposite with robbery, I think he would not complain of want of notice, but would instantly deny the imputation. The hon. Member for Knaresborough, however, complained of the absence of notice, but admitted he had made the charge. Now, to do away with the point as to want of notice. The hon. Member for Knaresborough used in this House the words I submitted to him, as he had used them on a former occasion. He repeated the words, and they were these:—"That the right hon. Baronet at the head of the Home-Office of this country had used his power as a Minister of the Crown to induce an Assistant Poor Law Commissioner to make a false report to this House for the purpose," added the hon. Member, "of crushing me." I had no part whatever in that which followed. All that related to the hon. and learned Member for Beverley came out on a question put by my hon. Friend the Member for Montrose (Mr. Hume), and subsequently followed up by the pressing speech of my hon. Friend the Member for Sheffield. Now, I want to know if I am to stand before the House as a person called upon to make my defence. Accusations have been made against me, but they are worth nothing—they must come from a more formidable quarter before I will give any answer to them. Is the House willing that this matter should be hushed up?—does it desire that the question should be got rid of by the somewhat cowardly expedient of "the previous question?" Does the noble Lord who has moved the previous question understand the object and meaning of his own proposition? I think that he does not, and that he undervalues the force of it. The "previous question" means this:—A question having been proposed to the House, the House does not wish to entertain it, or to express upon it any opinion whatsoever, and for this purpose the "previous question is moved." What! when a Member of the House charges a Minister of the Crown with using his power to get a false report in order to crush a Member, will not the House express an opinion upon that charge? Have we come to this, that a Minister of the Crown is to be allowed to use his official power to crush a Member of the House? and when a charge of that nature is made, is it to be said that the House is bullying and running down the Member who makes it, because it seeks an explanation from him? If I were to make a charge against any man, however insignificant, I should come prepared with some proof to support it; and when a Member of this House charges a Minister, as has been done in this instance, I say it is the duty of the House to ascertain whether the charge be well founded; and I further say that as a matter of privilege, it was my duty to bring the matter before the House. I say that, not only as a Member of this House, but as an honest man, the hon. Member ought to have been prepared with some evidence in support of his assertions. I gave him the opportunity of making a statement to this House; this House gave him the opportunity of substantiating that statement; he reiterated the charge, but fled from supporting it. Nevertheless, "Nay," says the House,

mildly and leniently, "we will determine nothing in haste, but give the hon. Member a further opportunity, first, of reconsidering his charge; may be, he will see reason to recal it." Sir, every honourable man will be glad if the hon. Member should recal his charge. Such is the first alternative offered by the House, which not only says this to the hon. Member, but much more, for it says secondly, "Let him reiterate his charge, and we will give him a full opportunity of substantiating it." Sir, I ask, is that "baiting, and bullying, and running down?" I know how easy it is for hon. Gentlemen to come down with pretty set speeches, all ready prepared, and then let them off as *impromptus*. I think hon. Gentlemen will give me credit for some knowledge of the craft: and I am of opinion that we have seen two opportunities of that kind taken this afternoon. But I am asked why take up these private quarrels, and make the House a party to them? Sir, I do not mean to suggest to the House that it should interfere and take upon itself to settle private quarrels. Far be it from me to seek to make this House the arbiter of private quarrels; but is this a private quarrel? How can hon. Gentlemen think so? Sir, when the hon. Member speaks of being rewarded by one's enemies, may I ask, has he forgot what it is to be disappointed by one's friends? Disappointment may have poisoned the arrows shot against friends; it cannot have poisoned those shot against enemies. I have denied these hon. Members nothing; why are they enraged with me? [Lord *J. Manners,* Hear.] Sir, I am glad the noble Lord cheers, because by doing so, he has called himself up to my recollection. I believe the noble Lord gives way to rather peculiarly sanctified views in matters of religion—that he holds very peculiar notions on matters of high account. Now, I want to know how he reconciles to these notions—and I ask the question of the hon. Member for Shrewsbury also—that suggestion which he and the other hon. Member have made, and which the hon. Member for Shrewsbury calls "a gentlemanly arrangement?" I want to know what they meant by saying, that there was a court of honour open to the hon. Member for Knaresborough? I should like to ask the hon. Gentleman whether he knows what is the consequence of going before a court of honour? One who does so has a right to conclude that the consequence will be the worst which the case admits of. I think that any man with the spirit of a gentleman in him would be prepared for the worst on such an occasion. At the suggestion, then, of the noble Lord and the hon. Member for Shrewsbury, the Member for Knaresborough, always remembering the peculiar views of the noble Lord, was to take this course, was he? I am aware that the hon. Member for Shrewsbury is too acute, too experienced a manager of words, to have left much room for hold to be taken—but I delighted in the exhibition he made, and, if he will permit me, a poor lame critic compared with such a master of the art as he is, to say so, I know his skill in fence; he is too well practised, he is too artful to leave a weak place. What he really wished for the hon. Member for Beverley was what every man would wish to have for himself in such a situation—a prudent friend, who might have gone to the other party and have got him (Mr. Hogg) out of the business; but if he could not get him out, then, according to the hon. Member for Shrewsbury, he must have fought on this occasion. That hon. Gentleman could mean nothing else, and that view was supported by the noble Lord. Now, Sir, I think that, after all we have seen and known within these two months—all those horrors so direful and so barbarous—that two gentlemen should get up and say, knowing what they were saying, that this is the suggestion they would make, would have been thoroughly disgraceful if they had known that what we have seen within these two months would have been carried into effect again in this case. The question now comes to this,—is this a matter of such importance that we ought to lend it an importance which in itself it does not possess? Now, let the House observe the peculiar position in which we stand. I have been the means of bringing forward a charge against a Minister of the Crown made by a Member of this House. The House must entertain the subject. I have no doubt, therefore, that I ought to vote in support of the right hon. Baronet against whom that charge has been made.

Mr. *Smythe*: The hon. and learned Member had just made the same charge upon him, which the hon. Member for Knaresborough was accused of making against the hon. Member for Beverley, for the hon. and learned Member had

charged him with violating honour and integrity by voting, under disappointment, contrary to what he should otherwise have done. That he had voted or acted under disappointment was not true. He utterly denied the imputation.

The *Speaker*: The hon. Member cannot speak a second time, except in explanation.

Viscount *Howick*: Notwithstanding the remarks of the hon. Gentleman the Member for Bath, I cannot help expressing my grave doubts whether, in the position in which we are now acting, we should not act more wisely by adopting the suggestion of the noble Lord the Member for Newark, and allowing this matter to rest here. No one condemns more strongly than myself the language used by the hon. Member for Knaresborough. Although I voted with that hon. Member on the Factory bill, I believe that there is no man who more disapproves of his conduct in the factory district, and has a stronger opinion of its incorrectness than myself: there is no man who feels more convinced than myself that the hon. Member for Beverley stands far above such an attack as has been made on him. The attacks upon the hon. Member, and on the right hon. Gentleman the Secretary of State for the Home Department, are in the opinion of every man worthy of a moment's consideration, altogether groundless, and brought forward in a most proper manner; but it does not follow, because the attack is unfounded and ought never to have been made, that the House will act wisely and judiciously by pursuing the matter further. What has the hon. Member for Bath now said? Is it because a Minister of the Crown is accused of perverting his ministerial power, for the purpose of crushing an individual Member of this House, and the House passes by the accusation, that the House expresses no opinion on the subject? By passing it by, will the House express no opinion? If there were the most distant ground for a suspicion that there has been such an abuse of power by a Minister of the Crown, no doubt the House would take up the matter. It is because the House feels that the charge is altogether groundless, and that it is only contemptible for that very reason, it thinks it ought to pass it by. If the House thought that any abuse had been committed, let there be a committee, let the charge be sifted to the bottom; if you do suspect the abuse of official power, let the man who has so abused it be proved to have done so, and be liable to such punishment as his acts deserve. That is the course which the House should take if it thought there were any grounds for the accusation; and if it takes no notice of the charge, it shows its strong disbelief in its truth. If, however, we take the other course, we are bound to consider what will be the precedent which we shall establish. An hon. and gallant Member who spoke on this side of the House said, and said rightly, that although in the present case the charge is utterly groundless, and no man has the least suspicion of its truth, yet there may arise a case in which a Minister of the Crown may have abused his official power, and we may put down discussion by the condemnation of the hon. Member, and may thereby establish a precedent which in future times will greatly fetter the liberty of private discussion, which is so essential. Do I say, therefore, that groundless charges are to meet with no punishment? Do I say, that persons making lightly such accusations ought to enjoy entire impunity? I say that the proper and deserved punishment which would fall on persons hazarding such statements would be the loss of personal respect, and the contempt of all reasonable men. A man who makes a charge which is utterly groundless, who is challenged to substantiate the charge, and cannot, or will not do so, will be lowered in the opinion of this House and of the country, and it is this degradation in the eyes of the House and of the country which is the proper punishment for such an offence. Suppose that we vote this to be a gross and unfounded calumny, what do we gain by that? If the circumstances are such that the public already considers it a groundless calumny, we add nothing to the weight of public censure by our vote. The punishment of the individual is the public degradation he has incurred. Again, there may be grounds of suspicion; a Minister may have misconducted himself, a charge may be brought forward against him, and yet there may be no means of making that charge entirely good. As has been stated by the hon. Member for Canterbury it may not be a question of facts, but a matter of opinion and belief: they might only come at last to belief, and no man can give evidence

of belief. In such a case, if the House shall come to a resolution that the charge is a calumny, whilst the public opinion is the other way, such a resolution will have no public weight. If we begin to put this resolution in force, we must be prepared to continue the system. If we begin with noticing accusations against Ministers of the Crown, why shall we not notice accusations against individual Members? The right hon. Baronet the Secretary of State for the Home Department said that it is not a question of a Minister of the Crown, that all Members of this House are equal, and it is only the question of the honour of an individual Member. Are you prepared to act on that opinion? If you are, then whenever a charge is brought against any individual Member, you must follow it up as you do now. Where the charge is groundless, I can see no difference between the case of a Minister of the Crown and of an individual Member. The question, however, is of much greater importance if a Minister of the Crown be suspected of an abuse of his power than of a suspicion against an individual Member. In the first case the House is bound to inquire into the charge, and, if necessary, to punish. But if the charge be groundless, there is no valid distinction between the case of a Minister of the Crown and of an individual Member. The honour of an individual Member of this House is as precious to him as the honour of a Minister of the Crown; and if we lay down the rule that we are bound to defend the honour of a Minister of the Crown against an unfounded charge, I call upon the House to consider where the precedent will lead to. The hon. Member for Knaresborough has not confined his attacks altogether to the parties now claiming our aid, either in the House or out of it. I remember that a Session or two ago the hon. Member for Knaresborough made a strong attack upon the hon. Member for Stockport (Mr. Cobden), whom he accused of violating the law, and acting in an illegal and disgraceful manner, imputing to him that he had acted contrary to law, by compelling parties to receive their wages on the truck system. Did the House dream of taking up that case? Not at all. The hon. Member's appeal, as the hon. Member for Bath supposed, was the only alternative to sending a second to arrange for a duel. [Mr. *Roebuck*—I beg the noble Lord's pardon, I did not say the only alternative.] The hon. Member for Bath seemed to think either that the House must take the matter up or that there must be a duel. [Mr. *Roebuck*—No, no.] I may have misunderstood, but I supposed the hon. Member to have stated that the House is bound to follow up this case as the best mode of getting rid of a duel. [Mr. *Roebuck* — No, No.] If the hon. Member did not so state, there is an end of that particular argument. But when the honour of an individual Member of the House was concerned, that Member brought down an entire contradiction of the whole thing; he carried the feeling of the House with him; and the punishment of the assailant, who had brought forward a charge he was totally unable to substantiate, was the proper one; he suffered the disgrace of having taken such a course and having made such a charge. But if it be said that every charge that is made, and that every bad construction that is put on a man's motives, either in this House or in speeches out of this House, is to be made matter of inquiry here, we shall establish a precedent which will be very inconvenient. This question has already taken up considerable time. Shall we on Friday next, when a question of the deepest national importance awaits discussion, waste the time of the House by an inquiry into this most trumpery charge? Are you not giving to it an importance which it does not deserve? Is it not better to show your utter contempt of it by passing it by? I am persuaded that in cases where the charge is utterly groundless, to pass it by unnoticed is to do what is best to stamp upon it the character it ought to bear in public opinion. If we do otherwise, we shall be establishing a precedent which may be used by a majority of this House to prevent inconvenient inquiries and the free criticism of matters deserving of great censure. Although we are all of opinion that the present is a groundless charge, the time may come when a minister of the Crown may have committed himself, and when charged with the fault, may come down, and seek to whitewash his character by a vote of this House that the charge is calumnious. These are the reasons which make me think that, upon the whole, it is better not to proceed. I admit that I originally entertained a different opinion

but, having heard all that has been stated in this debate, I think that, upon the whole, the House will act more prudently by not carrying the matter further.

Mr. *Hume:* I will direct my observations to the question immediately before the House. I confess that I never heard any speech with more surprise than that of the noble Lord who has just sat down. The noble Lord has perverted every intention in these proceedings, and I rose after the noble Lord to put it to him, as a man of honour, whether he will oppose the Motion. He has argued as if Mr. Ferrand were the only man before the House. He has forgotten that against two Members of this House a charge has been made which has been by them laid upon the Table of the House, and against which, after due consideration, they ask your protection. What does the noble Lord say? "Let us proceed no further, but leave the matter altogether to Wimbledon-common, or some other place. No other alternative appears to me possible." The noble Lord alludes to the contrast between charges against Members and against Ministers in a public capacity. I do not believe there is one man in the House who can say he has been so attacked and calumniated out of the House as I have been. Did any man ever hear me for a moment complain? I treated the attacks with the utmost contempt, and it might have been a question whether this might not have been done in the present case. That, however, is not a question now. The case has been brought forward. An hon. Member has avowed that he made the charge, and has declared that he will not retract a single expression. Two Members of this House have made a complaint, and the noble Lord says that we ought to do nothing. The noble Lord cannot have heard the Motion; he must have entered the House during the discussion, and supposed that it is a resolution condemning the hon. Member for Knaresborough. There is no precedent of any case where the House has paid so much attention to the convenience or benefit of an individual. In every instance, Sir—and upon this point I appeal to you with confidence—when a paper like that read to-night has been laid on the Table, it has been deemed necessary to move that it was a libel, or to pass a Resolution condemnatory of the party who made use of the words charged. In the present instance, has not the right hon. Baronet stated, that he will not take the admission of the hon. Member, and that it may still be supposed he has spoken in haste? I asked the hon. Member if he would offer any explanation; he would not, he refused to do so. The right hon. Baronet wishes to give him another opportunity, and hopes that we shall take time. The House cannot leave the right hon. Baronet and the hon. Gentleman, the Member for Beverley, without its protection. Recollect that this statement was made at a public meeting, and that it was believed. The cheers by which it was followed shows that it was believed. Let hon. Members read with attention the account of its reception. Mr. Walter made a speech after the hon. Member, and he almost admits the fact that he was deemed a dangerous and troublesome man, and that measures were taken to unseat him. Mr. Ferrand has refused to submit to the opinion of the House. If the House now stops, it will be telling the public that Mr. Ferrand was right; they would have a right to believe that the right hon. Baronet did use his influence, and that the hon. Member for Beverley did lend himself to that influence. It will be said that they called for inquiry, and you shrunk from it. I say, that any man who votes for the previous question will condemn the two hon. Members. One of the charges against the right hon. Baronet was, that he used his influence with an official under him to make a false Report; if the other charge be not capable of proof, this at least is. I think that we are right in departing from the usual course, and not declaring at once that this is a libel, and I shall support the Motion of the right hon. Gentleman, because I consider it a wise, moderate, and proper course.

Sir *James Graham*: I have, Sir, made up my own mind not to give a vote upon this question: and if I had any doubt of the propriety of that course, the awful alternative described by the hon. Member for Montrose would have determined me that to vote would be most improper. I rise, however, to explain a single point on which the noble Lords and Members for Newark and for Sunderland, have misunderstood what fell from me last night, they supposed that I contended broadly that if any unfortunate misunderstanding existed between Members of this House affecting their private honour, it might be brought before this

House for the purpose of vindicating their individual reputation. I made no such assertion. What I contended for, was, that when a charge is made by a Member against Members of this House in the discharge of their duty as Members, and when the charge impugns their integrity, their honour, and their characters as gentlemen, and when the Member preferring the accusation in his place persists in the charge, it is the imperative duty of the House to deal with the question, and to dispose of it by a vote of censure, or by an investigation of the charge. Will the House bear with me whilst I say that I agree in the general remarks of the noble Lord, the Member for Newark, that comments upon the acts of responsible Ministers of the Crown are not only to be tolerated, but that in this country they are the natural consequences of free discussion? I should be sorry to say anything in this case in the absence of the hon. Member for Knaresborough which may appear disrespectful to him, still I must say, that considering the circumstance of his accusation, and the quarter from whence it came, I did not much smart under it—and that I should not have been disposed to take a formal notice of it; but when the House has received distinct notice of such a charge—when the hon. Member, who has preferred it, has been asked to substantiate it—when twenty-four hours have been given him for deliberate consideration, and I was most anxious that this time should be given—when that hon. Member then says, not only that he made the charge, but that he adheres to it—when it has been stated by an hon. Member in his place in Parliament, that I have used my official power to procure a false report, the motive charged being, that I did so for the purpose of crushing a Member of this House—it is an accusation which relates to my conduct in this House, it relates to the freedom of debate; and mature reflection has led me to think that consistently with my own honour, and consistently with the honour of this House, the matter cannot rest unnoticed. In the other charge I am implicated with my hon. Friend, the Member for Beverley. It is not a vague charge; it is, that my hon. Friend, acting more immediately in the exercise of his functions as a sworn Minister of this House, did not give an impartial judgment according to the evidence, but that I suborned my hon. Friend to violate his oath. That charge also does relate to our conduct as Members of this House—it has been re-asserted in this House—it is then, a charge, which, in my opinion, and the opinion of my hon. Friend coincided with my own, the hon. Member ought to be called upon to substantiate. I may be permitted also before leaving the House to add, that after a political life of long duration, I am conscious that I have said so many things, I may further declare I have done so many things, which upon calm reflection I must regret, and have regretted, that I do think upon all occasions some opportunity should be given to every hon. Gentleman to retract any hasty expression which he can retract consistently with his honor, and to atone for any injustice committed, which on reflection he may regret. I do, therefore, approve of the course proposed by my right hon. Friend. If the hon. Member for Knaresborough thinks that with perfect honour he can say, that he regrets what is passed; if Mr. Ferrand shall say, that he finds the whole of what he has charged upon me, and upon my hon. Friend, was brought forward in haste, and cannot be sustained; if he shall regret that he has wounded our feelings painfully, and did not intend to do it; and if he should express sorrow that in this House he adhered to a charge which he cannot substantiate, I for one, should hope that the House will accept his atonement; at least I shall be satisfied, and will banish from my mind every recollection of this matter. I hope, with the permission of the House, that I may now retire fully confiding in the wisdom and the justice of any decision, which the House may please to adopt.

Mr. *Hogg*: I only wish to express my acquiescence in the sentiments of the right hon. Gentleman. If upon further consideration the hon. Member shall attend in his place; if he shall say that he only intended to comment on my decision and my judgment, if that he never intended to say that I acted from improper motives; and if he shall express contrition on his part, and say he is sorry for the charge, I shall feel equal delight with my right hon. Friend, and every thing connected with this subject shall be wholly effaced from my mind.

Lord *John Russell*: I rise only to ask the noble Lord (Lord J. Manners), whether, after what he has heard from the two hon. Gentlemen, he will press for a division of the House? It is of great consequence that we should consider this matter with temper. The noble Lord has declared his own opinion, and if he cannot agree in the course which the House

may ultimately take, I think he may reserve the manifestation of his opinion till a future opportunity. It will be most important to the character of the proceedings of this House, if he can do this, and if without any violation of his feelings, he can withdraw his present Amendment.

Lord *J. Manners,* after what had fallen from the noble Lord, the Member for London, the right hon. Baronet, and the hon. Member for Beverley, would withdraw his Amendment. He begged to disclaim the interpretation of the hon. Member for Bath, that he was favourable to the practice of duelling.

Lord *Ingestre* stated, that he had just met the hon. Member for Knaresborough, and had a conversation with him, but he had no authority from that Gentleman to make any statement to the House; at the same time, from what had passed, he was of opinion that the hon. Member would probably make such admissions as might satisfy the House, and the Gentlemen against whom he had brought accusations.

Motion "that the House will take the said complaint into consideration on Friday next," agreed to. It was also ordered that William Busfield Ferrand, Esq., do attend in his place on Friday.

STATE TRIALS (IRELAND.] Mr. *Fitzstephen French* rose, and moved for a list of the names omitted from the Special Jurors' List for the City of Dublin for the year 1844, who were residents in the parish of St. Audeon's, in the said City, though placed and allowed thereon by the right hon. the Recorder at the Revision of the Jurors List in 1843, together with copies of the letters addressed, pursuant to the order of the Recorder by the Clerks of the Peace for the said City, to William Kemmis, Esq., Crown Solicitor, and Pierce Mahony, Esq. Solicitor for the Traversers, in the case of the Queen *v.* O'Connell and others. Mr. French then stated, that considering this as a question of vital importance to the due administration of the law in Ireland, he would request the attention of the House to the fact, that notwithstanding the right hon. Baronet at the head of the Government had passed, in the 1st and 2nd of William IV., an Act for the Regulation of Jury Panels in Ireland, thereby extending to that country the benefits of the English law, yet even in the metropolis of Ireland, that law has not as yet been complied with; and that from such gross neglect on the part of the official authorities to whom the execution of the law was confided by the Legislature, the grievance he was now about to introduce to the notice of the House had arisen. Mr. French proceeded to state, that at least sixty-three names of Special Jurors placed on the Recorder's general list were omitted from the list out of which the Jury to try the cause of the Queen *v.* O'Connell and others had been selected—sixteen of whom have been admitted by all parties to have been persons who qualified as worth 5,000*l.* each, and all resident in one parish—St. Audeon's. The revision commenced on the 14th, and ended on the 24th of last November, and the omission of those names was not discovered until the 4th of January last. The explanation given was, that these names had been written on a slip of paper, containing the names of persons in St. Audeon's parish who qualified as being worth 5,000*l.*, and that its loss was not discovered until about the 10th of January, the traverser's solicitors having in the mean time discovered not only the omission of those sixteen names; but also many others from said panel. Were he disposed, he might fairly comment on a statement made by the Clerks of the Peace, that this solitary sheet of paper remained on the table of their public office for a period of six weeks unnoticed by them, their clerks, or any one having daily business with them; while during that period three several Commissions had been discharged at their Court, and by their official assistance; one by the Judges, and two by the Recorder. But as affidavits of parties well conversant with the whole details of this extraordinary affair would soon be on the Table of that House, he would not make further comments at that time. However, he must now state to the House, that having considered the explanation given to Mr. Mahony by Mr. Archer's letter of the 11th January, the Recorder's speech in that House on a former occasion, and the affidavits made on the 20th instant by the clerks of the peace and Mr. Magrath, which reached London yesterday, he did not hesitate to say, that neither one nor all convinced him of the correctness of the explanations thus relied upon. The Lists spoken of by Mr. Magrath and the clerks of the peace must have been commenced in either of four

ways—first, alphabetical; second, parochial; third, daily in the order in which parties appeared; fourth, classified according to rank. Now, he had examined the books which Mr. Magrath admits that Mr. Mahony holds, and made out by his permission. They are now in London, and confining himself to St. Andeon's parish the result is as follows:—Before the name of Mr. Caffrey on that list, and he being admitted to be the first on the draft list of 16, now called 15, there appear four special jurors in the letter C on that parish list before him, and all entitled to be special jurors; and two after him in the same letter. Now, in any alphabetical list commencing with Mr. Caffrey's name, it must be clear that at least the two names of persons equally qualified ought to follow his; and it remains to be explained why he also parted company not only with them, but the four who preceded him. Yet he stands alone between the four who preceded his name, and the two which follow after him on the same list. So much for letter C. As to letter D in the same list for St. Audeon's, there appear five special jurors, four of whom should have appeared in connection with his name, and yet they are omitted. As to letter E, there appear to have been only four names, and three only as special jurors; out of those three one was originally returned to the Recorder, and he added two; yet all were omitted, and Mr. Magrath admits that they are amongst his list of 16. These observations apply equally to other names with which he did not wish to trouble the House. It is enough to say, that the missing names cover also the letters F., H., M., R., W., and Y.; and it is remarkable that the last name, Mr. Johnston Young, was a special juror returned for 1843, and for three years before a grand juror, &c., and yet Mr. Magrath seems specially to omit him, and place him in company with Mr. Caffrey, with so many preceding persons beyond 15, all qualified to serve as special jurors. As to the list having been made parochially, that is absurd on the face of the explanations now before this House and the public. Missing slips from eight parishes would be necessary to account for the sixty-three names. As to the sixteen forming portions of a daily list, by which it might be supposed that the missing jurors in the list of 16 came up to be recorded as special jurors, the hon. Gentleman stated, on the authority of Mr. Mahony, that it was impossible, as they did not come up together, or even on the same day. The only remaining mode of reconciling the allegations as to those lists by the Clerks of the Peace and Mr. Magrath is, that the supposed list of persons qualified as worth 5,000*l.*, is equally unsatisfactory, for it appears that the taking of such a list would run thus:—1. Henry Coghran; 2. Nicholas James Caffrey; 3. William Deane, sen.; 4. William Deane, jun.; 5. James Duggan; 6. John D'Arcy; 7. Hugh Duffy; 8. James Egan; 9. Thomas Egan; 10. Charles Egan; 11. George Faulkner; 12. Edward Gallivan; 13. Thomas Hannisson; 14. Patrick Hayes; 15. Richard Hayes; and yet out of all those names, and taken in the order in which they stand qualified in the list, as revised for the parish of St. Audeon's, only six appear on Mr. Magrath's draft list.

House counted out, and adjourned till Friday.

HOUSE OF LORDS,

Friday, April 26, 1844.

Minutes.] Took the Oaths.—The Lord Bishop of Clogher.

Bills. *Public.*—2ª. Dissenters' Chapels.

Private.—1ª. Mackenzie's (Scatwell) Estate.

Reported.—Midland Railways Consolidation; South Eastern Canterbury, Ramsgate, and Margate Railway; Norwich and Brandon Railway; Great Western Railway; Yarmouth and Norwich Railway; Manchester and Birmingham Railway (Macclesfield and Poynton Branch).

3ª. and passed:—Guildford Junction Railway.

Petitions Presented. By the Duke of Beaufort, Earls of Scarborough, and Zetland, Marquess of Lansdowne, Marquess of Normanby, and Lords Langdale, Lyttleton, and Monteagle, from Bridport, and an immense number of other places, in favour, by the Bishop of London, Lord Kenyon, and Earl of Rosebery, from Newcastle-upon-Tyne, and 33 other places, against, the Dissenters Chapels Bill.—By the Marquess of Clanricarde, and Lords Stafford, and Campbell, from Dublin, and 34 other places, for Rendering Marriages Solemnized by Presbyterian and Dissenting Ministers in Ireland, valid.—By the Earl of Shaftesbury, and Lord Prudhoe, from Blandford Forum, and 9 other places, for Protection to Agriculture.—By Lord Brougham, from Birmingham, and 3 other places, for the Suppression of Slavery.—From Brechin, for Improving the Condition of Schoolmasters (Scotland).—From Inhabitants of Lambeth, complaining of the Impure state of the Water supplied by the Lambeth Water Works Company.—From Prisoners of Chester and Leicester, in favour of the Creditors and Debtors Bill.—By the Bishop of Chester, and the Duke of Richmond, from Chichester, and a great number of other places, against the Union of St. Asaph and Bangor.—From Walton, against any further Grant to Maynooth College, and also against the Encouragement of Popery.—From Wellington, against the Rating of Small Tenements.

Slave-Grown Sugar.] Lord *Brougham* said, he had to present a Petition on an extremely important subject from a truly

venerable man; he meant Thomas Clarkson. He was well known as a patriarch in the cause of the Abolition of Slavery, and having passed a period of sixty years in the advocacy of that great cause, he had now the great satisfaction of looking back to his earliest efforts as having given rise to the subsequent labours of Mr. Wilberforce and others. It was true that to the Grenville and Fox Administration we owed the abolition of the Slave Trade; but by the combination of all parties in fifty years after, the whole system had happily been swept away. Mr. Clarkson prayed that no measures whatever should be passed to allow of the importation into the market of this country of Sugar grown in Brazil, Cuba, and Porto Rico. Such a step would be, in his opinion, under the pretence of a fiscal or commercial regulation, neither more nor less than an immediate premium on the importation of negroes from Africa; in other words, a direct incentive to, and encouragement of, the Slave Trade. Of course, he supported the prayer of this Petition, holding, as he did, that every hogshead of Slave-grown Sugar imported, meant the transportation of an unhappy negro through all the horrors of the middle passage to perpetual bondage in the Portuguese and Spanish Colonies.

Lord *Kinnaird* was indisposed to anticipate any such effect as that supposed by his noble and learned Friend, until he saw the Financial Statement of the Government. He was much struck with a letter of his noble and learned Friend (Lord Brougham) on the Sugar question, in which it was stated that Sugar stood on wholly different grounds from Cotton, and then going on to say we never had a Sugar trade with foreign slave settlements. Now he (Lord Kinnaird) had been under the delusion that we had a considerable trade in foreign Slave-grown Sugar, and that a large quantity of it was refined in this country. We did it in a roundabout way, but we imported Slave-grown Sugar nevertheless. We sent our goods to Cuba and took their Sugar in exchange; we refined it here, and sent it to Russia, to be exchanged for their flax and tallow. This was a roundabout way of managing the business, but in a moral point of view, we gave as much encouragement to Slave-grown Sugar, as if we imported it directly. And not only that, but we directly consumed Slave-grown Sugar. The refuse of Slave-grown Sugar was taken to the West Indies, and there used to adulterate the Sugar grown there, which afterwards came to us. Even the landholders, who had such a sweeping majority, were most short-sighted in not admitting foreign Sugar; for under the present state of things, the refuse which was sent out to adulterate the West-Indian Sugar might be most advantageously used for the preservation of many articles at home. He believed some were sincere in this cry against Slave-grown Sugar, but others were indulging in humbug. The fact was, that to support a certain interest, they were afraid to allow the people of this country to have their Sugar at one-half the price they were now compelled to pay, which they might have, if the importation from these forbidden settlements were permitted. He hoped the Government, when their financial announcement came on, would not be frightened from what was supposed to be their intention—to admit Sugar so as to enable the poor man to consume it at half the present price.

Lord *Brougham* would not go into the question at present, but would give a sample of the accuracy of his noble Friend's information on the subject he had undertaken to elucidate. As he was engaged in the discussion of this question before his noble Friend had been able to consider this or any other subject, he might be allowed, without any pretence to superiority, to set him right. If his noble Friend were moderately informed on the subject, he would not have hazarded such a statement as that by the introduction of Sugar from Cuba, and other places where slave-labour was used, the people of this country would procure that article at one-half the price they now paid for it. Instead of its being purchasable at half the price it now was, it would not, as had been stated, from the calculations made, make a difference in the price of more than one-third of a farthing. What he had said in the letter quoted by his noble Friend was, that there was no consumption of foreign grown sugar in this country. He need hardly say, after what he had so repeatedly asserted, that by importing and consuming foreign Sugar, the produce of Slave-labour, it would increase that abominable traffic on the coast of Africa.

Petition read.

RECALL OF LORD ELLENBOROUGH.] The Marquess of *Normanby*: My Lords, it will be in your Lordships' recollection that I gave notice of a Motion for Monday next with reference to the production of Papers relating to Gwalior. I had intended, in any remarks which I might have made, to confine myself to a single point—namely, the validity or invalidity of the Treaty of Bhorampore. I am not aware that there is anything which would have rendered it improper on my part to pursue the enquiry; but it has been announced to me, within the last few minutes that a communication has been made in another place as to the opinion of the Board of Directors of the East India Company upon the conduct of the noble person exercising the functions of Governor General of India. That communication is to the effect that that noble person has been recalled. If my noble Friend at the head of the Board of Control should confirm that statement, I certainly shall think that, under these circumstances, it will be the most desirable course, not at this moment to raise, incidentally, any question as to that noble Lord's conduct in his absence; and I think, then, that the fairest thing I can do is, not to open my lips upon the subject. If my noble Friend opposite will state that in respect to this matter I have been correctly informed, I will at once withdraw the notice of Motion which I have given.

The Earl of *Ripon*: In answer to the question of my noble Friend I have no objection to state, that the information which he has received is undoubtedly true. The Court of Directors of the East India Company, in the exercise of that power which the Act reserves to them, of removing any of their servants, have recalled the Governor General of India from his station in that country.

Lord *Colchester*: Will the noble Lord allow me, in consideration of what has just passed, to inquire, without giving any notice, whether the act in question has taken place with the sanction of Her Majesty's Government.

The Earl of *Ripon*: I have no objection to say that it has not.

Lord *Brougham* said, that without entering into the merits of the question of the conduct of Lord Ellenborough, a subject which he was at present desirous to steer quite clear of, he could not help feeling that there was one question deserving of the immediate attention of the Legislature, and that was how long such an anomalous—such an inconceivable law should be allowed to continue, as that which, while it gave the Board of Control the power of controlling every one act of the Court of Directors—of dictating to that Court every despatch they thought fit should be signed by it—should yet, in the most important of all matters coming within its jurisdiction—the continuance or removal of a Governor General of India—that, upon which might depend the fate of our Indian Empire—that upon that most vitally important subject, the Board of Control should be left utterly without power. This surely must have resulted from an oversight in the framing of the Act, for anything so absurd, so self-repugnant, he was not acquainted with by all his readings of the different constitutions of the different nations of the world.

The Marquess of *Lansdowne* felt that it would be improper on the present occasion to enter into so great and so grave a question of policy, as that which gave the power alluded to to the Court of Directors. But, so far from the present state of the law resulting from an oversight on the part of its framers, it had been a subject of the most long and serious deliberation at different periods and under different Governments, and, whether right or wrong, most indubitably was thought to be right and advisable at the time the Act was passed. It was the decision of Parliament at the time at which that most important Act bearing so intimately upon the vast population of our eastern empire, was framed, that so long as the Directors of the East India Company were permitted to govern India, they should have a right to negative the appointment of a Governor General; and also the right to recall that functionary when, in their opinion, his continuance in office was inconsistent with the welfare of those most extensive dominions committed to his charge. That question was one of the most important which had ever been brought under the consideration of the House; and it was a question which again and again had been entertained under various Governments, and on various occasions of alteration in the Government of India, and which had received as was due to it, the most serious attention which Parliament could bestow.

Lord *Brougham* was not aware that

any discussion had ever taken place, either in that or the other House of Parliament, upon the subject. The East India Company had the power subject to Her Majesty's pleasure of appointing the Governor General. Of that there was no question; and the Company had likewise the power of recalling a Governor General without the consent of the Government. They could exercise that power in the middle of any operation of legislation, of finance, or of war, and at a moment's warning. But he did not know that any discussion ever took place respecting it in Parliament—he did not know that any discussion had ever taken place on the subject of whether such recall should not have the sanction of the Government at home—whether the East India Company alone should have a right to recall a Governor General which that Company and the Government had together agreed to send out—whether one of the parties nominating jointly, had a right singly to direct that that Governor General's power should cease and determine. He did not believe that the present power was ever discussed in Parliament—he believed that it was copied from one Indian Bill to another—from one Board of Control Act to another Board of Control Act; but, at all events, since he had been in Parliament the subject had never been a matter of discussion in either House.

The Marquess of *Normanby* said, that the question of whether the East India Company would or would not exercise the power vested in them had often been discussed. The question was whether, if the East India Company had the power of appointing, they should not also possess that of removing?

Lord *Brougham*: but they have not the power of appointing.

The Marquess of *Normanby* said, they had.

Lord *Brougham*: Aye; subject to control.

The Marquess of *Normanby*: The appointment rested with them, and that appointment which required the concurrence of two parties in its origin, must naturally by analogy, fail and determine when one of those parties ceases to concur in its propriety.

Lord *Brougham*: That was just as groundless as to argue that, when both Houses of Parliament had concurred in enacting a law, after it was once established, one House alone, not continuing to approve of it, might repeal it without consulting the other.

Subject dropped.

Landlord and Tenant Bill.] Lord *Portman* having presented petitions praying for the adoption of a measure which would have the effect of improving the condition of the poor said, that in moving the second reading of the Landlord and Tenant Bill, it was his duty to state a few of the reasons which rendered such a measure necessary. He believed, that no one would deny, that it was expedient that some measure should be adopted which would give security to the tenants occupying lands so that they might be disposed to lay out their capital in the proper cultivation and improvement of their land. When he had submitted this Bill to the House last Session it was deemed to be a subject somewhat new in this House, and it was therefore thought to be unwise to ask their opinion upon it until further time had been given to its consideration. In the interval which had taken place between that time and the present, he hoped that their Lordships had become convinced of the good effects which were likely to result from such a measure as the present. The right hon. Baronet at the head of the Government, the great landowners of England, and the best cultivators of the soil were all calling upon the people to pay greater attention to the cultivation and improvement of their lands; but to all their efforts to improve, there was this great impediment, that no sufficient security was given to those tenants who might otherwise be anxious to invest their capitals in the farms they occupied. Where there was no decided custom or no absolute contract, there was no security that the tenant would, as a matter of certainty, receive remuneration for what he might expend, which every wise and honest, not to say liberal, landlord would wish him to enjoy. A great number of the landlords said, that they were prepared to give any security which the law enabled them to give in order that the tenant might with confidence improve his land; but unfortunately the law was not sufficiently strong to give to the tenant that security in his occupation of the land as would induce him to embark his capital in the improvement of the soil. Some provision of this kind was not only expedient, but it was just. The present

state of the law was not equitable; it appeared that any tenant who committed waste or was guilty of dilapidation was liable to pay damages to the landlord. Surely, then, the tenant ought, on the other hand, to have the protection of the law for any good and beneficial improvement which he effected in the land. His proposal was not without precedent. There was already a provision of the law in the case of a mortgagee in possession; but though he was bound to protect the land from waste, yet the law permitted him to show, if he could, that such was not caused by his neglect, and the law further allowed him compensation for the money he had laid out in improving the property. Surely the tenant ought to have a similar security. One objection which was urged against this measure was, that it was an interference with the good feeling which at present existed between landlord and tenant. If it were a just and expedient measure it could not be considered in that light. It gave to the tenant a security against a number of contingencies, such as the death of the original landowner, and the property being placed in the hands of trustees for minors, or the property falling into the hands of assignees. Then, again, the landowner might sell his land to a purchaser who would exact the entire rent from the tenant, notwithstanding the promise of the former owner to afford the tenant every consideration for the money he would lay out. Under the proposed Bill the purchaser must inquire into all such liabilities, and must be responsible for them. According to the present system there was a power in the landlord of carrying out in full the old distich—

> "He that improves must flit;
> He that havocs may sit."

If they passed such a measure as the one he proposed, they would give such a security as would induce the tenant to lay out his money on the land, and thereby give employment to the labourers—thus benefiting all classes—the landlords, the tenants, and the agricultural labourers. He thought that they would also, in some degree, be increasing the benefit of the landlord, by thus obliging the tenant to give notice to the former of his intention of effecting certain improvements. The noble Lord concluded by moving the second reading of the Bill.

Lord *Beaumont* maintained that this Bill if passed into a law, would have diametrically the opposite effect to that which the noble Lord supposed, for instead of affording facilities to the tenant in the adoption of recently-discovered improvements in agriculture, it would withdraw from him the assistance he has hitherto received from his landlord. When the provisions of this Bill became known as a law, every landlord in self-defence must refuse to give his assent to such notified improvement on the part of the tenant, rather than run the risk of the enormous litigation which might result from it. Let it be circulated that if a landlord received notice of intended improvements and did not return a refusal within three months, he was liable for the full amount of the cost, and a refusal would be sent as a matter of course in every case; for without such a refusal the tenant might involve his landlord to whatever amount he liked, and burthen his estate with a permanent debt. According to the proposed Bill, arbitrators were to be appointed to decide between landlords and tenants, as to what was to be considered an improvement. In a certain case, magistrates in petty sessions were to select these arbitrators, who were to adjudicate between parties so closely connected as landlords and tenants. He would beg of their Lordships to pause before they interfered with that happy relationship which now existed between those parties and which had lately been so admirably displayed; for if they were going to break that tie which bound those parties so remarkably close in this country by establishing these jurisdictions, they would be doing greater harm than if they at once stopped all further improvements for the cultivation of the soil. They would thus be destroying one of the great moral benefits this country enjoyed. The strongest tie on the landlord already existed—namely, his interest, or rather that good feeling which existed generally in the breast of every landlord towards a deserving tenant; their common interest was the strongest tie which bound them to each other, for a landlord would not part with an improving tenant, and a tenant would not take a farm under an unreasonable landlord. Throughout a great part of this kingdom this Bill would be inoperative, except for evil, for it was very well known that there were written agreements between the parties, by which the tenant was guaranteed good and fair compensation for the improvements which he had made on the land, in other parts the law would be evaded, by special

clauses for that purpose in all future contracts. He had never heard any complaints from tenants-at-will to justify this interference, nor did he believe any one had known the improving farmer's security disputed until he saw this Bill introduced. He moved that the Bill be read a second ime that day six months.

The Duke of *Richmond* saw nothing in the Bill calculated to destroy the good feeling now existing between Landlord and Tenant. On the contrary, by giving security to the Tenant, it would tend to improve the relations between them. Though concurring in the general principle of the Bill, there were some of its details to which he objected. If, however, his noble Friend would consent to refer it to a Select Committee, he should support the second reading.

The Marquess of *Salisbury* said, it would be most pleasing to him, if means could be devised to ensure to tenants-at-will compensation for their improvements. He believed a Measure of that kind would do more to continue a good understanding between Landlord and Tenant, and give more satisfaction to the latter than the granting of leases.

The Marquess of *Londonderry* doubted much whether legislative interference in this matter would lead to any beneficial results. It would be dangerous to interfere between Landlord and Tenant, and he should oppose the Bill.

The Earl of *Hardwicke* was of opinion, that if this Bill should pass into a law, it would occasion endless litigation, and open the door to disputes between Landlords and their Tenants upon points which at the present time never arose. The Bill was perfectly unnecessary for any good purpose. He should, therefore, vote against the second reading.

The Duke of *Cleveland* said, if he thought that the Bill would tend to destroy the harmony which ought to subsist between Landlord and Tenant, or lead to litigation, he should be the last person to support it; but he thought it would have a contrary effect, and he highly approved of its principle. He thought it would give Tenants more confidence in their Landlords.

Lord *Redesdale* said, he had opposed the noble Lord's Bill of last year upon the same subject, and should take the same course in reference to that now under consideration. If this Bill passed, the Landlord would require a special agreement in every case as to the nature of the proposed improvement, the time within which it should be carried out, the expense and amount of compensation to be allowed, before he would give the required consent. But that might be done now—so far, then, the Bill was unnecessary. He objected to the Measure, also, as calculated to create ill-feeling between Landlord and Tenant.

Lord *Portman* had no objection, provided the Bill were read a second time, to refer it to a Select Committee, as had been suggested by his noble Friend (the Duke of Richmond).

Their Lordships then divided, when their appeared: — Contents 27; Not-contents 19: Majority for the second reading 8.

List of the CONTENTS.

DUKES.
Richmond
Wellington
Cleveland.

MARQUESSES.
Clanricarde
Salisbury
Normanby

EARLS.
Auckland
Besborough
Clarendon
Dalhousie
Falmouth
Lovelace
Lucan
Morley
Malmesbury
Zetland.

LORDS.
Cottenham
Campbell
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Colborne
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Polwarth
Portman
Rodney
Suffield
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List of the NOT-CONTENTS

Lord Chancellor

DUKE.
Buccleuch

MARQUESSES.
Winchester
Londonderry.

EARLS.
Shaftesbury
Morton
Haddington
Egmont
Delawarr.

VISCOUNT.
Hawarden

LORDS.
Beaumont
Bolton
Kinnaird
Lovat
Lilford
Redesdale
Sondes
Sudeley
Wenlock.

House adjourned.

HOUSE OF COMMONS,

Friday, April 26, 1844.

MINUTES.] NEW WRIT.—For Horsham, in the room of the Hon. Robert Campbell Scarlett, now Lord Abinger.

BILLS. *Public.—Reported.*—Bailiffs of Inferior Courts.

Private.—2°· Manchester Royal Infirmary.

Reported.—Leeds and Selby Railway Purchase (No. 2).

3°· and passed: — Manchester, Bury, and Rossendale Railway; Dowager Lady Nugent's Naturalization.

PETITIONS PRESENTED. By Colonel Wyndham, from Rural Deanery of Petworth, in favour of a Bishopric at Manchester.—By Mr Williams Wynn, from Pool, and Bettws, and Col. Wyndham, from Petworth, etc., against Union of Sees of St. Asaph and Bangor.—From Ripon, against Repeal of Corn Laws.—By Mr. Beckett Denison, from Carlinghow, and Smithies, and Mr. Sotheron, from Trowbridge, and Mr. Ross, from Belfast (5), against Limiting Labour (Factories Bill); and by Mr Thomas Duncombe, and Mr. S. Wortley, from several places, for same.—By Sir H. Hardinge. from Medical Practitioners (6), for Reform of Medical Profession.—By Mr. Mildmay, from Southampton, against Poor Law Amendment Bill. —Sir G. Glerk, from Dalkeith, for Ameliorating Condition of Schoolmasters (Scotland).

NEW WRITS.—MEMBERS ELEVATED TO THE PEERAGE.] Mr. *Estcourt* moved that a new Writ be issued for the election of a Burgess to serve in Parliament for the Borough of Horsham, in the room of the Hon. Mr. Scarlett, now Lord Abinger.

Mr. *Tufnell* wished to call the attention of the House to the circumstances under which the Writ was moved for. He did not mean to impute blame to any person for what had taken place, but he thought the propriety of the delay was very questionable. There might be extreme cases, in which a person from unwillingness to take his seat in the House of Peers, might cause the suspension of the Writ for an indefinite time, if the practice of waiting for the Writ of Summons to the Peers before the issue of the Writ for a new Election were allowed. This was by no means a matter of little consequence, since it might be of very considerable importance whether the Writ were issued at one period or another. In the present instance a delay of three weeks had taken place; and if the House were to take no notice of the delay, there might just as well have been a delay of three months. He wished to ascertain the opinion of the right hon. Gentleman in the Chair as to the length of the interval which might be allowed, in the case of the accession of a Member to the Peerage, before that House should declare that the seat was necessarily vacant. It must be remembered that on the occasion of the eldest son of a peer taking his seat in the House, he qualified as such, no property qualification being requisite. The House, therefore, acknowledged him as such by descent, and on the death of his father should take the notoriety of the event as sufficient ground for considering the seat at once vacant, and issuing the Writ without further delay.

The *Speaker* said, as regarded the issue of a writ in the case referred to by the hon. Member, the only course for the House to pursue had been laid down by Lord Dunfermline, at the time when he filled the Chair of that House. It was true that when a Peer of the Realm died, his eldest son ceased to be a Member of the House of Commons. But the House had no means of knowing whether a claim made by one of its Members to a Peerage were *bonâ fide* or not; and therefore, the only safe course for it to adopt was to wait for the Writ of Summons. With respect to the observation of the hon. Member that the Member for Horsham, as the eldest son of a Peer had been admitted into the House without a property qualification, it was perfectly true that such was the case; but it was possible that such a claim might be founded on error. The House would recollect rather a recent case, in which an hon. Member had qualified as the eldest son of a Peer, and it had at last turned out that he was not so. Unless on some special emergency, the safest course for the House to pursue would be to wait for the writ of summons, before issuing a writ for a new election, when the vacancy was caused by the death of a Peer.

Mr. *Estcourt* said the House was much obliged to the right hon. Gentleman in the Chair for having given his opinion, with which it was impossible not to coincide, recollecting that the House of Peers did not assume it as a matter of course that the person claiming to be the eldest son of a Peer, was to be the person to sit among them. On the contrary, in that House, where it was much more probable that notoriety might be taken as a guide, a very long and careful examination into the question of birth was made. The baptismal certificate, and he believed, also, one of the death and burial of the preceding Peer, was required before admitting the claimant to take the seat in the House of Lords, by a Writ of Summons from the Lord Chancellor's Office. The House of Commons ought to require some better evidence of the accession of one of its Members to the Peerage by the death of his father, than common report. He recollected a circumstance which occurred, that might show the necessity of the precaution. A noble Lord died, and the individual supposed to be his eldest son, did actually take the title; but he never was permitted to take his seat in the House of Lords by succession, and never did take his seat under his father's title.

Motion agreed to.

RECALL OF LORD ELLENBOROUGH.] Mr. *Macaulay* wished to ask, a question of the right hon. Baronet at the head of Her Majesty's Government. He wished to know whether it was true that the Court of Directors of the East India Company had recalled Lord Ellenborough, the Governor-General of India?

Sir *R. Peel*: In answer to the question put to me by the right hon. Gentleman, I beg to state that on Wednesday last Her Majesty's Government received a communication from the Court of Directors, stating that they had exercised the power which the law gives them, to recal at their will and pleasure, the Governor-General of India.

Mr. *Macaulay* under these circumstances, supposed he need scarcely say that it was not his intention to bring forward on Tuesday week the Motion of which he had given notice, respecting the late events in Gwalior. He, of course, should reserve to himself the right of bringing forward that subject hereafter; but as the administration of Lord Ellenborough was about to terminate, he could not consider that the public interests would be exposed to the slightest risk from the postponement of this discussion, while it would be more satisfactory to his own feelings, and it would clearly be fairer towards the noble Lord, that no charge should be made against him until he should appear again in this country and be able to defend himself in the other House of Parliament.

PRIVILEGE—MR. ROEBUCK AND MR. SMYTHE.] Mr. *Roebuck*: Sir, I am sorry to obtrude upon the notice of the House a matter somewhat personal to myself, but I have received a letter couched in such terms that I feel called upon to submit it to the consideration of the House. The House will, I am sure, bear in mind, that on the last discussion on the question of Privilege, the hon. Member for Canterbury thought fit, in the performance of his duty as a Member of this House, to make some observations of a nature personal to myself, and I gave such answer to them at the moment as I thought sufficient. The attacks made upon me were somewhat elaborate; but the House will bear me out, I hope, in saying, that upon that occasion I did not lose my temper. There I fancied the matter would rest, because my speech was not studied—I answered an attack of well-rounded periods in an off-hand way, and well knowing that "he who plays at bowls must expect rubbers," I thought no more upon the matter.

Lord *Pollington* rose to order. If the hon. and learned Member intended to complain of an excitement to commit a breach of the peace, he ought not to use language which must have that effect.

The *Speaker*: The hon. and learned Member for Bath is perfectly in order.

Mr. *Roebuck*: Well, Sir, there I thought the matter would have ended, and remained under that impression, until I received the letter I hold in my hand. Now, Sir, before I read the letter which I have received from the hon. Member for Canterbury, let me say at once, that I did not intend to give the hon. Member any offence, and if I did, here, where the offence was given, he shall receive the most ample apology. Sir, on that night I said, and I now repeat it, that, whenever I might be called on to put such an affair in the hands of a prudent friend, I should be prepared to carry it out to the utmost. But, Sir, I don't think that what was said by me on that occasion, after the sort of mode in which the hon. Member thought fit to allude to me, ought to make me feel that I have done anything unbecoming my character as a Member of this House, or anything which ought to excite a moment's regret. Now to the facts; but before I read the letter of the hon. Gentleman, I will recall to the attention of the House—but perhaps I am wrong, and I ought to read the letter without any preface. The expressions used by the hon. Member for Canterbury towards me conveyed imputations of a grave character. I was accused of attempting to deceive by mock professions of spurious patriotism—of endeavouring to cover servility by severity—of aspersing all men, in order that I might the better fawn on one—and it was clearly indicated that that one was an individual powerful in this country. I will not follow the imputation further, though the hon. Gentleman talked of the antithesis presented in my own person, in being at once the rebel's agent and a Queen's counsel—the champion of M. Papineau and the defender of a Secretary of State Sir, I answered the hon. Member with one of those retorts which are usual in this House. I believe I intimated that the accusation must proceed from a more formidable quarter before I could think it necessary to answer it.

This is the letter which I received from the hon. Member for Canterbury :—

"*Traveller's Club, April* 25.

"Sir,—I cannot determine from the newspaper reports of your speech, nor from what I understood of it myself last night, whether it was to me personally that you meant to apply dishonourable motives.

"If it is, I beg to refer you to a letter to my Constituents, dated the 19th of July, 1843, which contains this passage—that as I had never asked a favour of Sir R. Peel's Government, so I could not be actuated by any motive of disappointment, should I be induced by my convictions to vote against it.

"I repeat this assertion.

"I must now call upon you to state that you did not apply your remarks to me; or if you did so, either to retract them, or to refer this matter to some friend to whom my friend, Captain Darrell, can address himself.

"I am, Sir, your most obedient servant,

"G. SMYTHE."

Sir, this letter was put into my hands by Captain Darrell. My answer was (addressed to Captain Darrell), "He shall get no answer in writing—he shall get an answer to it in the House of Commons."

Mr. *Smythe*: That is not the answer I received.

Mr. *Roebuck*: That is the answer I sent—and I said to Captain Darrell—"As far as you are concerned, be not alarmed, but tell Mr. Smythe that he shall hear from me only in the House of Commons."

Mr. *Smythe*: That was not the answer communicated to me.

Mr. *Roebuck:* And Sir, I am here in the House of Commons to answer anything the hon. Member may have to put to me.

The *Speaker:* The complaint just made by the hon. and learned Member for Bath is, that he has received a letter, purporting to be written by another hon. Member of the House, and containing a challenge; the proper course will be to have the letter put in and read by the Clerk at the Table.

Mr. *Roebuck*: I make no complaint, Sir, I state a fact to the House. I make no complaint—it is for the House to take what steps may be thought proper on the occasion

Mr. *Curteis* moved that the letter just brought under the notice of the House be read by the Clerk at the Table.

The *Speaker:* After what has fallen from the hon. and learned Member for Bath, it is impossible for the House to allow this matter to drop. And in order to found any further proceedings, the letter must be put in and read by the Clerk at the Table.

Letter handed in and read.

Mr. *Smythe*: The hon. and learned Member for Bath, true to his practices, has at any rate taken one hon. Member by surprise, because the answer of the hon. and learned Member as given to me by the Gentleman I sent to him, was not that which the hon. and learned Member has this moment given to the House. The answer I received was, that the hon. and learned Member for Bath would send me an answer—the words of the hon. and learned Member for Bath made use of by him when my letter was put into his hand were these: "He shall hear of this." The Gentleman then said, "I must require some more definite answer than that." The hon. and learned Member then said, "I will send an answer;" and from that hour to this I have been expecting that answer. The hon. and learned Member promised to send an answer to my letter, as I understood from the friend I sent to wait upon him. Sir, I pledge my word of honour that I mentioned the subject to no other person. I opened my lips to no other human being than that Gentleman; but about two o'clock to-day I met by mere accident my noble Friend the Member for Newark, and he told me of my letter, and of the intention of the hon. and learned Member to bring it under the notice of the House. The case then stands thus: I took one Gentleman, and one only, into my confidence, while the hon. and learned Member for Bath takes 500 into his, and he having done so I am well content that that confidence shall be full, unreserved, and explicit. I must say, that when the hon. and learned Member for Bath just now spoke about a retort, a fair parliamentary retort, I agreed with him, that his remarks would have partaken of that nature had they been indulged in for the first time; but it must be in the recollection of the House that the hon. and learned Member for Bath, in an Irish debate, which occurred last Session, made a speech full of the most caustic remarks, and with more than his usual asperity, then making insinuations, to which I was unable to reply, because I had already spoken in the debate, and the hon. and learned Member left town immediately afterwards, for the circuit. On that occasion, Sir, I consulted a friend, and upon consideration of the case,

he said, "You can take no notice of this, but you must contradict the insinuations." And, Sir, I did so, in the most convenient and public manner. I did so, because I must be permitted to state that it is a great and grave reflection upon a young public man to have it said or supposed that he is acting from venal, low, and sordid motives. As, Sir, the hon. and learned Member for Bath has brought the matter before the House in a spirit different from that which I expected, that is to say, as he has brought the matter under the notice of the House in a speech characterised by mildness, and not, as I expected, in one full of his usual asperities—as he has not done so, it only remains for me to most humbly and respectfully apologise to the House, if I have done anything which involves a breach of its orders and privileges.

Sir *R. Peel*: In conformity with the course usually followed on these occasions, it will be necessary to call upon both hon. Gentlemen to give an assurance before the House—which they can have no difficulty in giving—that this matter shall be carried no further.

Mr. *Roebuck*: I most decidedly object to that course, because it supposes that I was going to pursue another course.

Sir *R. Peel*: The course I pointed out is that usually taken in such cases on former occasions. The intimation just given by the hon. and learned Member for Bath clearly exempts him from any suspicion of ulterior proceedings.

The *Speaker*: I am only discharging a duty which the House imposes upon me in calling upon the hon. Member for Canterbury to declare that he will not institute any hostile proceedings in consequence of this matter.

Mr. *Smythe*: The thing is perfectly absurd. If the hon. and learned Member for Bath chooses to bring the matter under the notice of the House, and then says I am not one to bring matters to an extremity, thereby insinuating that I am that person, throwing the whole odium of the false position upon me, I say it is absurd, because, see the position in which it places me. If I refused to give the assurance required of me it will probably bring me acquainted with the Serjeant at Arms, who is the most difficult man in the world to deal with; but if the hon. and learned Member, because he has been engaged in some half-dozen affairs of this kind—[*Order.*]

The *Speaker*: The hon. Gentleman, upon reflection, must see that the language he is using is not respectful to the House. The hon. Gentleman has been called upon by me, in the name of the House, to give an assurance that he will not originate or carry out any hostile proceedings in consequence of this matter; and I must again call upon him for an answer.

Mr. *Smythe*: Then, in one word, Sir, as it is impossible to determine whether the hon. and learned Member for Bath is only here as a simple Member of the House, or in what capacity, in the most full, unreserved, and explicit manner I apologise for any breach of the formulas or forms of the House, and pledge myself that the case shall go no further.

Subject at an end.

MR. FERRAND—SIR JAMES GRAHAM, AND MR. HOGG.] On the Motion of Sir *R. Peel*, the Order of the Day for proceeding with the matter of the complaint of the hon. and learned Gentleman, the Member for Beverley, and the right hon. Gentleman, the Secretary of State for the Home Department, was read.

The *Speaker*: Is William Busfeild Ferrand, Esq., in his place?

Mr. *Ferrand*, I am, Sir.

The Clerk at the Table read an extract from the report of a speech, delivered by Mr. Ferrand at a public meeting at Leeds: for which see *ante* p. 235.

Mr. *Ferrand* said, Sir, I owe, in the first place, an apology to this House for having been the unintentional means of taking up so much of its valuable time. Had the hon. and learned Member for Bath not taken me unawares the other evening, I should, on reflection, have given to him the answer which the hon. Member for Finsbury said he would have given. But, Sir, having in the hurry of the moment been induced to reply to the question of the hon. and learned Member, I am sorry that I should have been the cause of thus taking up the time of the House. I owe another apology, Sir, to the working classes in the factory districts of this Kingdom, that I should have been the means this evening of depriving them of one moment of that sacred time which they were expecting would be employed in debating a question to them of vital importance—for it is to them a question of life or death. I hope the House will do me the justice to believe that, if any remarks of mine, either of a public or a pri-

vate nature, should have wounded the feelings of any individual, I shall ever be prepared to give that explanation to that individual which one man of honour has a right to expect from another. It appears to me, Sir, that there have been unfounded conclusions arrived at as to what I said in reference to the subject which the hon. and learned Member has brought before the House. On Monday evening, as far as my recollection goes, I said to this House that I believed that every word of mine, as reported in the *Times* newspaper, which related to the right hon. Secretary of State for the Home Department and to the hon. and learned Member for Beverley was strictly true, but that I would not vouch for them until I had referred to that paper; and if they were correct I would come down the following day, and fearlessly and boldly, before this House, either avow or disavow them. I redeemed my pledge to this House: I came down with the full intention of doing so, and so I did. Sir, the House labours under an incorrect impression, when it supposes that I was driven from the House by the rude and unmanly interruption offered to me by the hon. Members opposite, or that I fled from the charge. The charge that was made against me was that I used language at Leeds affecting those two hon. Gentlemen, and I admitted that I had done so. I admit so now, for every word reported in that paper is what I uttered at the Leeds meeting. When I left this House I adopted a precedent which has been pursued by hon. Members placed under such peculiar circumstances. I retired from the House, considering that it would have been improper in me, and impertinent towards the House, if I remained one moment longer in it. Having redeemed my pledge, I left, lest I might be an impediment to the free discussion of the subject. I have been ordered by the House of Commons to appear in my seat to day, and I have respectfully obeyed the order, as I will respectfully obey every summons or order this House may give me if it is justified in giving it. I am given to understand, that if I am prepared in my place this evening to plead guilty to the charge which the hon. and learned Gentleman has made against me, I shall receive a free pardon at its hands, but that if I will not plead guilty, the House will then proceed to pass sentence upon me without even examining the evidence—that it will proceed to pass sentence upon me without producing any evidence as to the construction to be put upon the words I have used. I hope I may be allowed to say one word as to the conduct hitherto pursued by this self-constituted court of honour. Mr. Speaker, no man ever sat in that Chair who conducted himself with more strict impartiality, more gentlemanly demeanour, or more graceful bearing than yourself. But, Sir, in this new office as judge of this self-constituted court of honour you yourself have found the greatest difficulty in acting as an impartial judge. Sir, the other evening when that common informer applied to me—[*Order, order.*] I retract the words, but I will never retract the sentiment. Sir, when that public accuser [*Interruption*]—it is a Parliamentary phrase, and it is ungenerous thus to attempt to interrupt me—Sir, when that public accuser applied to me the epithet of falsehood the other evening, I declared that the language was ungentlemanly. You called me to order. Sir, when one of the witnesses in this prosecution read his evidence against me, he supported it by engrafting on that evidence a leading article in the *Times* newspaper. Sir, the leading men of both political parties in this House attacked me in violent language. Nay, one of them in language unjustifiable, charged me with a crime, Sir, of which he himself was guilty. Is he a fit judge to sit here? I admit that a more noble or generous-hearted man never trod the soil of Britain; but under the excitement of the moment, he uttered expressions which I am convinced he will much regret. Sir, the yells for revenge which issued from the jury were also within your hearing, and let the House recollect, that the Prime Minister of England, when I had scarcely quitted these walls, declared that my absence had deprived it of considerable amusement. As a Member of this House, Sir, I solemnly protest against these proceedings. In the name of the people of England, I deny your right to try me on this charge—in the name of the people of England I pronounce this self-constituted court of honour to be an illegal and unconstitutional court; and, in the name of the people of England, I refuse to plead at its Bar.

Sir *J. Graham:* Sir, I by no means rise to address the House in answer to the speech of the hon. Gentleman, who has just sat down; but as my hon. and learned Friend, the Member for Beverley, has in distinct terms denied the accuracy of the charge preferred by the hon. Member for

Knaresborough, and I have not as yet made to the House any statement or assurance with reference to the facts contained in those charges which are now under the consideration of the House, it is on that ground only I rise before I retire, to address you, as I think it right, that before the House enters further into this question it should hear my statement with reference to the facts. The hon. Gentleman who has just sat down, has demurred to the authority of this tribunal. It is not for me to ask for the opinion of the House with respect to the conduct of my accuser; but I am the accused, and as such am entitled to ask for an acquittal, or for an investigation. Before I can be in a condition to require the decision of the House, it is right that I should give a detail of facts; first, as to the charge which relates exclusively to myself, and secondly, as to the charge in which I am united with the hon. Member for Beverley. The first charge, in which I am exclusively concerned, is contained in a few words; that I was a person who took steps to procure a report which was false, merely for the purpose of crushing a Member; and it adds, that I dismissed the poor tool who had been the degraded and ignominious instrument in fabricating the injurious report. That is the substance of the charge; and I have with the utmost diligence endeavoured to ascertain whether any communication, direct or indirect, passed between me and the Assistant Poor Law Commissioner, whose name may be here mentioned, Mr. Mott, as to the report used by me in the debate, and I have been unable to find any trace of any such communications. I have endeavoured also to find a trace of any communication on this subject between me and the Poor Law Commissioners, the central authority under which the Assistant Commissioners act, but I have been able to find none; by my directions the Poor Law Commissioners have searched their records to discover any instructions from them to Mr. Mott, in reference to the Keighley union, and to the report of the 23rd of April; and I am authorised to say, that they can find no record of such instructions; further, I have been most anxious to ascertain whether any verbal directions were given by me to the Poor Law Commissioners. My own recollection does not lead me to think that any were given; and the recollection of the Poor Law Commissioners is explicit, that they received no such directions. Therefore I am in a condition to state, in my place, on as solemn an assurance as can be given, that no directions emanated from me as to the report of the 23rd of April, relating to the Keighley union, which I used in debate, I think on the 9th of June. I repeat, therefore, that it is an erroneous assertion, gravely made, deliberately adhered to, and not now retracted, that I used my official power to procure a report that is false, and that I dismissed the poor tool, the degraded and ignominious instrument in fabricating the injurious report. If any hon. Member should think arguments at all necessary, after such a denial as that now given, I may suggest that the circumstance of the dismissal of a tool, employed for the purpose of fabricating a report, affords, on the face of it, conclusive evidence against the truth of the charge. I should be sorry to say anything injurious to the character of a Gentleman no longer employed by the Poor Law Commissioners, but I see the hon. Member for Bolton (Dr. Bowring) in his place, and he, I think, is acquainted with a transaction which may in some measure account for the removal of Mr. Mott. So much for the charge exclusively bearing on myself. I ought, perhaps, to add, that it was not in my power to dismiss Mr. Mott: he was under the Poor Law Commissioners, and I distinctly assert, that it was not in reference to this report that Mr. Mott's dismissal took place. There was a reduction of the Assistant Commissioners from ten to nine, and the Poor Law Commissioners decided that Mr. Mott should retire. The second charge against me has reference to the decision of the Nottingham Election Committee, as applying to the seat of Mr. Walter. The charge is, that it was felt necessary by Sir James Graham to get Mr. Walter out of the House of Commons, and that the hon. Member for Beverley (Mr. Hogg) aided Sir James Graham and the Government in unseating Mr. Walter. First, the House must allow me to deny that I felt any necessity of the kind. I must say, that it was a matter of perfect indifference to me whether Mr. Walter had a seat in this House or not; but the allegation is, that I directly or indirectly interfered in reference to the decision of the Nottingham Election Committee. That I had no communication with the hon. Member for Beverley, who was Chairman of the Committee, I can give the most solemn assurance. I hold the privileges of this House as high as it is possible for any Member to hold them, and I consider the freedom of debate

and discussion invaluable. I know not what course the House is likely to pursue on this occasion; but as to the matter of privilege, before I withdraw, I may be permitted to say that I regard it as a balanced question. Certainly, the character of Members of the House, when assailed here, has been regarded at all times as the character of the House itself, to be protected by the authority of the House; at the same time, in so treating the character of Members, especially where an attack upon a Minister of the Crown is concerned, and where that most valuable right, the privilege of speech, is involved, it is a matter of extreme difficulty. If it were only a matter of opinion and inference from facts, it would not be proper to check the expression of that opinion; but here we have substantive charges: it is not an inquiry into a matter of opinion, but into an allegation of fact that I procured a false report for a particular purpose, and that it was fabricated by my direction. That accusation is susceptible of proof, it is a charge, which no man should make without proof. There is a report of a Committee already before the House, which finds that the report of Mr. Mott, instead of being unfounded, is in the main correct; but if any doubt yet remains, that doubt can be removed by further inquiry. I have already stated, that for the purpose of clearing my own recollection, I have referred to the Poor Law Commissioners, but reference can be made to another individual, to Mr. Mott himself, who having been removed, must be considered, at least, an unprejudiced witness. He is capable of putting an end to all doubt. I did not think it was competent to me to refer to Mr. Mott, and I told the Commissioners that, in my opinion, it would be a breach of their duty to resort to him. Therefore, Mr. Mott is at this moment a witness beyond all exception, who may be called, and whose evidence can at once elucidate the question. The hon. Member for Knaresborough has talked of the rights of Englishmen, and the right of free discussion, as I have said, is invaluable, but I hope the right of an Englishman will not be refused to me. I am the accused party, and I ask for trial, or for acquittal, and this right I am quite satisfied the House will concede to me. I think, in my present position, it would be unbecoming in me to add more, and I have only to say, that I am obliged to the House for the patience with which it has indulged me.

Mr. *James S. Wortley*: My knowledge of the honourable and generous nature of the hon. Member for Knaresborough induces me to think that we are not, at this moment, without a prospect of bringing this matter to a satisfactory conclusion. From what fell from that hon. Gentleman he seemed to imagine that this House could not deliberately consider what is the true construction of the expressions he is supposed to have used. I apprehend that, in this respect, he is mistaken. Had an opportunity presented itself at an earlier period of this discussion, I should have said what I say now—that I do not believe and I will not believe till I hear the hon. Gentleman state it in his place in this House, that the hon. Member for Knaresborough, in the expressions he used, intended to convey the offensive meaning which has been put upon them. I cannot blame the hon. and learned Member for Bath to the extent which some hon. Members have blamed him, but at the same time I do sympathise with my hon. Friend the Member for Knaresborough for the surprise to which he had been subjected by the hon. and learned Member for Bath, and I can well understand that an honourable mind, when so taken suddenly and by surprise, would be unwilling to retract, and be tempted, in the heat of the moment, to adhere to expressions which upon reflection and after due deliberation might be willingly withdrawn. I think such must have been the feeling which operated upon the mind of the hon. Member for Knaresborough at the moment. Will the House pardon me while I recall to its attention the expressions which really were used? I confess that when I heard the passages read by the Clerk at the Table (and I was not the only Member among many around me who felt the same) I was struck with this—that the passage as read at the Table was not so strong as it had been repeated from memory by the hon. and learned Member for Beverley in the course of the former debate, and as represented by others in the progress of the discussion. There are two charges supposed to have been made by the hon. Member for Knaresborough—the first regards the right hon. Baronet the Secretary of State for the Home Department alone, and it is supposed that the right hon. Baronet is charged with having procured a false report to be made; and the second is supposed to be a charge which involves both the right hon. Baronet and the hon.

and learned Gentleman, for it charges the right hon. Baronet with using his influence with the hon. and learned Member for Beverley, and that the hon. and learned Member for Beverley bowed to that influence, and that by these combined means an improper decision of a Committee was obtained. Now, if we look to the passage itself we shall find that no such meaning can be applied to it—the words themselves do not necessarily lead to the conclusion at which many have arrived. I appeal to the hon. Member for Knaresborough himself, for until I hear from him that such is the fact, I cannot believe that he means to charge the right hon. Baronet the Home Secretary with procuring a false report in the sense of suborning a man to put his name to a paper which he knew to be false. The words used by the hon. Member as reported in the newspaper which has been read are, "obtained a report which was false." I do not say there are not other circumstances which may induce hon. Members to suppose that the charge went to the full extent stated; but I ask the hon. Member for Knaresborough whether I am not now putting to the House the true intent and meaning of the words he used? As to the expression "for the purpose of crushing a Member," it scarcely deserves notice. No doubt, in the debate the other night, the hon. Member for Canterbury thought he could crush the hon. and learned Member for Bath, and the hon. and learned Member for Bath, no doubt, thought he could crush the hon. Member for Canterbury, and I think the term, "for the purpose of crushing a Member," is totally unworthy the consideration or interference of the House. With respect to the other passage of the speech which has been read, I would remind the House that it does not state that the right hon. Baronet had influenced the hon. and learned Member for Beverley, or that the hon. and learned Member for Beverley had yielded to that influence. I believe I am not mistaking or misrepresenting the hon. Member for Knaresborough, when I say that the meaning which has been put upon his words by the hon. Member for Montrose is not the meaning he intended to convey. Indeed, the hon. Member for Knaresborough himself interposed, and said he meant no such thing as was attributed to him. All that is in the speech is this, that "Sir J. Graham was anxious that the decision of the Committee should unseat Mr. Walter." Now, I rise for the purpose of ascertaining from my hon. Friend the Member for Knaresborough, whether or not I put a right construction upon his words? There is no doubt this is a most serious matter: on the one hand it is charged that a Minister of the Crown has made use of his office to procure a false report, and I repeat that I wholly acquit the hon. and learned Member for Bath for bringing the subject under the attention of the House, because I think it forms a just ground for Parliamentary inquiry, to ascertain whether such a charge had been made. In the next place, the charge is against an officer of the House for corruption in his office. Two more serious matters for inquiry could not be listened to; but, on the other hand, there is the danger of fettering perfect freedom of discussion, which I regard as a subject for serious consideration. I, however, again repeat that until I hear it from the hon. Member for Knaresborough himself, I cannot believe he intended to convey the imputation which has been ascribed to the words used. If he did, then the House, I think, is bound to acquit the right hon. Baronet and the hon. and learned Member for Beverley of the grave charges brought against them; of course, as to any further or ulterior proceedings, I do not at present presume to give any opinion.

Sir *R. Peel.* No answer having been given to the appeal just made by my hon. and learned Friend—an appeal which opened to the hon. Member for Knaresborough an opportunity if he thought fit (and I was anxious not to interfere till I saw whether the hon. Member would embrace it), I infer it is not the hon. Member's intention to make any other explanation beyond that he has already addressed to the House. [Mr. *Ferrand*: Not in this House.] Then it becomes my duty to state my impressions, and to offer to the House my respectful advice as to the course which, as it appears to me, it is fitting to pursue in this matter. I trust the House will understand that this office of an adviser is not one voluntarily sought for by me, and that in offering my advice I am only acting in conformity with that established usage which, as it is necessary, in order that the House may come to a decision, it should have some distinct proposition before it, usually devolves—

The *Speaker*, interrupting the right hon. Baronet, according to the established usages of the House, it is necessary that

the hon. Member for Knaresborough should withdraw.

[Mr. Ferrand withdrew, and was followed by Sir J. Graham and Mr. Hogg.]

Sir *R. Peel* proceeded. I was stating, Sir, when you felt yourself called on to interrupt me, that I had assumed this office of adviser, not voluntarily, but in conformity with that usage which has generally devolved on the First Minister of the Crown in this House, the duty of submitting to the House some distinct proposition in respect to its opinion upon this subject. I trust that I have taken no course in regard to this matter which incapacitates me from offering that opinion. My opinion, before the subject was noticed in this House, was, that it would be better not to notice what appeared in a newspaper report as the observations of the hon. Gentleman. When the subject was first brought forward, I counselled the House not to come to any immediate conclusion, but to take time to consider the matter, and not to pronounce any opinion with regard to it until after the interval of twenty-four hours. After the lapse of that time I still recommended to the House not to consider the admissions made by the hon. Gentleman in the course of a speech which was not brought to a conclusion—not to consider those admissions as final and conclusive against him, but to give him an opportunity, after mature consideration, of stating to the House whether he adopted the expressions, and adhered to the charges, and whether he were prepared to substantiate them. Sir, the complaint was brought under the notice of the House by my right hon. Friend the Secretary of State for the Home Department, and by my hon. Friend the Member for Beverley. They complained that charges had been preferred against them of improper conduct, in the discharge in the one case of official duty, and in the other of judicial duties imposed upon him by this House. Sir, whatever course we take in this matter, I trust we shall not try to escape from the difficulty by any equivocation as to the nature of these charges. I trust we shall apply to them the principles of common sense, and ask ourselves this question, "What is the imputation which the expressions were meant or intended to convey?" It is imputed to my right hon. Friend, in express terms, "that he, being the Secretary of State, and standing in an official relation to the Poor Law Commissioners who are in communication with him, took steps to procure a Report which was false, merely for the purpose of crushing a Member of the House of Commons." Now, can I put that construction upon these words which has been put on them by my hon. and learned Friend who last addressed the House, that the hon. Member for Knaresborough meant merely an advantage taken in debate? Can those expressions mean anything but this, that the Secretary of State took steps to procure a false Report affecting the character of a Member of the House of Commons? Why, if there were any doubt whatever as to the plain meaning of those expressions, look at the expressions which follow in a subsequent part of the speech. It is there said that the Secretary of State dismissed the poor tool who had been his degraded and ignominious instrument in fabricating this injurious Report. Sir, the charge is not—that my right hon. Friend quoted a Report that turned out to be erroneous, but the charge is that he made use of his official authority for the purpose of procuring the fabrication of a false Report, and that the man who made that Report was his degraded and ignominious instrument. How degraded and ignominious, if there were merely an unintentional error in the Report? Well, then, what is the charge with respect to the hon. Member for Beverley? It is said that my right hon. Friend having an interest in procuring the exclusion of Mr. Walter from the House of Commons, "This Tory Chairman aided Sir James Graham and the Government, in unseating Mr. Walter." Surely the meaning of that is, that the hon. Member for Beverley was acting thus from corrupt motives; because if he were not, how happened it that, when Mr. Hogg tried to explain away his conduct on that occasion, "the whole of the Government side of the House listened with feelings of disgust" while he higgled and haggled through his explanation with regard to the decision of the Committee? "Feelings of disgust!" Why, if it had been an erroneous construction of the law, why "disgust" at the explanation? Can "disgust," applied to an explanation by a judicial officer, mean anything but disgust at improper motives and corrupt conduct? That is the construction applying the principles of common sense, which I affix to the charges contained in those ex-

pressions. But, if I am wrong—if these are not the charges—if there be no imputations of corrupt motives, what can be easier than for the hon. Gentleman the Member for Knaresborough to get up in his place and state "although the expressions are correct, yet the construction which you place upon them is erroneous; I declare that I entirely acquit Mr. Hogg of corrupt conduct in his judicial capacity; I think his judgment was erroneous, and that the effect of that judgment was to unseat Mr. Walter; but I never meant to impute to him any deviation from the strict line of integrity?" Is there any such explanation offered by the hon. Gentleman? He says, "I adhere to the expressions—I protest against the tribunal. I will not disclaim the intention of imputing the corrupt motive. The expressions are correct, and I will at least maintain them by a silence as to the construction put upon them." Sir, I do not feel that I am at liberty to explain them away, when that construction has been given to them by the conduct of the hon. Member. The charge against my right hon. Friend the Secretary of State is a definite one; it is not like charges which have been preferred against the House of Commons generally, of being influenced by corrupt motives or of being guilty of perjury. The charge against the Secretary of State is a definite one, that he used the influence of his office for the purpose of procuring a false report. The hon. Gentleman in the course of his speech of to-night (and it is only one part of that speech to which, in his absence, I will refer) said, that the House of Commons was at once inclined to visit him with condemnation without evidence. Sir, I look on the hon. Gentleman himself as the accuser in this case. I thought he had preferred a charge; and what I advised was, that the House of Commons should, if the hon. Gentleman were prepared to substantiate it, immediately appoint a tribunal by which those charges might be inquired into. I proposed to take no course whatever with respect to the hon. Gentleman, other than to give him an opportunity of establishing the charges which I understand he has made. Sir, the House has heard the statement which has been made by the hon. Gentleman the Member for Knaresborough, and I presume that it must be the wish of the House to come to some conclusion upon the subject, as they have had it sufficiently before them to enable them to dispose of it. I am therefore called upon, after hearing the speech of the hon. Gentleman, to consider the position in which the matter is now placed; and I shall, without hesitation, undertake the duty which I think properly to belong to me. I consider, then, that the expressions contained or implied a charge of corrupt conduct against two hon. Members of this House; that a complaint of those charges has been formally made; that we have acted upon it, having desired the hon. Gentleman to attend in his place in this House; the hon. Member has attended, and we are now called upon to dispose of the matter. I think that the charges imply corrupt conduct on the part of two Members of the House, and that they are entitled to call upon the House for a decision to-night. If the hon. Gentleman had said, "I am prepared to substantiate the charges," I would have humbly recommended that there should have been a postponement of this question—that a Committee should be appointed—that the facts should be laid before them—and that we should have acted on the report of that Committee; but the hon. Gentleman, I understand, proposes to pursue no such course; and I think, in justice to the two hon. Members, we are called on to pronounce our opinion upon the charges now. Sir, I think the House will infer from what I said on the first occasion when I addressed it, that I am most unwilling to establish or extend any precedent which would interfere with the free expression of opinion in this House; that I think it is the right of the Members of this House to question any public act of any Member of this House; above all, that it is the right of Members of this House freely to question the official acts of any Minister of the Crown. But where the imputation implies corruption, and where the accuser declines to substantiate it, then that Member who is so accused, be he Minister of the Crown or be he not, has a right to ask the House for an expression of its opinion. Sir, the Resolution which I shall propose, after hearing the speech of the hon. Member for Knaresborough, recites those parts of the paragraph which contain the imputation, in my opinion, of corrupt motives—I shall propose as the first Resolution, that we should resolve—

"That, in the expressions in the same

speech, it is imputed to the Right Hon. Sir James Graham, a Member of this House, that he took steps to procure a report, which was false, merely for the purpose of crushing a Member of the House of Commons; and, also, that he subsequently dismissed the poor tool who had been his degraded and ignominious instrument in fabricating the injurious report; that, in another passage, with reference to the petition against the return of John Walter, Esq., to this House for the town of Nottingham, in the year 1842, it is stated that it was felt necessary by Sir James Graham to get him out of the House of Commons, and that James Weir Hogg, Esq., a Member of this House, who had been Chairman of the Committee, appointed and sworn to try and determine the matter of the petition complaining of the said return, had aided Sir James Graham and the Government in unseating Mr. Walter."

These, Sir, are the passages which contain the gravamen of the charges. I shall, then, in justice to those hon. Gentlemen, move a Resolution to this effect:—

"That the said Sir James Graham and James Weir Hogg, Esq., having in their places denied the imputations cast upon them, and William Busfeild Ferrand, Esq., having avowed that he had used the same expressions, and having declined to substantiate the truth of them, this House is of opinion that the imputations conveyed in the same expressions are wholly unfounded and calumnious, and that they do not affect in the slightest degree the honour and character of the Members to whom they refer."

Sir, I think these Resolutions will do justice and no more than justice to the two hon. Gentlemen who have been so assailed. I believe them to be precisely in conformity with the fact, and I think, as this matter has been noticed, it is the duty of the House to record an opinion upon it. Then, Sir, it may perhaps be asked, "do I propose to recommend the House to take any further proceedings?" Sir, I have looked back at the course which has been taken in matters of this kind, and have devoted as much time as I possibly could, consistently with the performances of other duties, to the examination of precedents. I find that in some cases the House has proceeded to vote that such charges implied a breach of privilege. I am unwilling to follow that precedent. One of the charges is against a Minister of the Crown, and I think it is sufficient to state that the charge is unfounded and calumnious. I am unwilling to proceed further, and to state that the making of that charge and not proceeding to substantiate it is a breach of privilege. I can attach no very definite notions to the offences that constitute a breach of privilege; but in a case where a Minister of the Crown is concerned, I should be most unwilling to extend any precedent which would make the freely questioning of the conduct of that Minister a breach of privilege. I recollect a case where I myself was charged by the late Mr. Cobbett with conduct which ought to call upon the House to dismiss me, not from the councils of his Majesty—for I was not then a Minister of the Crown—but of conduct of such a disgraceful nature that I ought to be dismissed from the Privy Council. The House heard the charge, which certainly did not make much impression; on the contrary, the House went so far as to order that the whole of the Resolutions moved by Mr. Cobbett should be expunged from its Journals; and that Resolution, I believe, was carried by a majority of 200 to 4. And I was content with having the charge disposed of by such a Resolution. That was the whole of the proceeding which was then adopted; it was a sufficient vindication, and I was perfectly contented that the character of the charge should be determined by that Resolution. Then I find another case in which the late Mr. Tierney—and there are hon. Members of this House who are old enough to recollect it—made charges against the late Mr. Abbott, then the Speaker of this House. The House proceeded at once to consider those charges, and the Resolution to which they came upon the Motion of Mr. Canning, stated that they highly approved of the conduct of the Speaker, and gave him credit for an able and impartial discharge of his duties. The House and the Speaker rested satisfied with that Resolution, and pursued the matter no further. I believe it to be infinitely better in a matter of this kind not to be bound by a rigid adherence to precedent, or the strict adoption of expressions which may have been used on former occasions when those expressions are not necessary. I think that full justice has been done in this case by moving that the charges are utterly unfounded and calumnious. That, no doubt, implies a censure upon him by whom they were preferred, while it is a complete and an honourable acquittal of the parties against whom the charges are preferred; and not wishing to involve this House in unneces-

sary conflicts with individuals, I feel that the justice of the case will be completely answered by the passing of these Resolutions. They are the Resolutions which I submit to the House after hearing the speech of the hon. Gentleman the Member for Knaresborough. Of course if any hon. Gentleman be dissatisfied, and think that another course should be pursued, it will be perfectly competent for that hon. Member to submit his view to the House, and take the sense of the House upon it; but it is of great importance if you can in this case obtain the unanimous, or, at least, the general approval of the House. This is the most satisfactory course for the vindication of those who are concerned; and I trust, after the declaration made by individual Members—I shall secure the almost unanimous adoption of my Resolutions.

Mr. *T. S. Duncombe* thought that a question should be asked before the Resolutions were put. He did not understand that the hon. Member for Knaresborough had declined to substantiate his charges. All that he had said was that he had no further explanation to offer to the House generally, and in a portion of his speech he had expressed his willingness to offer explanation to the individuals, whilst in another part he complained that they were going to censure him without inquiry. He thought, before the House came to this Resolution it would be better to send for the hon. Member for Knaresborough, and ask if he were prepared to substantiate the charge.

Sir *R. Peel* thought it must be sufficiently obvious to the hon. Gentleman, if he would have undertaken to substantiate the charges, that the House would have appointed a Committee to investigate them. He thought from the concluding words of the hon. Member, that he had no explanation to offer, except out of the House which could not be misunderstood. The hon. Member demurred to the tribunal.

The Speaker having read the Resolutions from the Chair,

Mr. *F. French* said, it appeared to him that the right hon. Baronet had not correctly stated the case as it appeared before the House. He had omitted one important statement. The hon. Member for Knaresborough, in his place in that House, had distinctly denied that he had made any charge, or imputed any charge; that the hon. Member for Beverley had been tampered with, or that the right hon. Gentleman had tampered with him. That had been altogether omitted by the right hon. Baronet. He had no hesitation in saying that no one disapproved more highly than he did of the conduct of the hon. Gentleman the Member for Knaresborough. He should have thought, whether he objected to the tribunal or not, when the hon. Member for Beverley understood there was a charge hanging over him, there would have been nothing to prevent the hon. Member for Knaresborough from stepping forward and removing the misunderstanding. He should have advised the hon. Member to have apologised for having been, even for a moment, the innocent cause of such an unpleasant feeling. Still he was not prepared to go so far as the right hon. Baronet the Member for Tamworth proposed. When the question was first brought under the consideration of the House, that right hon. Baronet told them to consider carefully what they were about to do, and to look to precedents. He had since considered the subject and referred to the precedents. Certainly he found some very different from those which the right hon. Baronet had just quoted, and he did not consider it would consult the honour and dignity of the House that this business should be further proceeded with. He was sorry to be obliged to allude to matters personally connected with the right hon. Baronet at the head of the Government and the noble Lord at the head of the Colonial Office, but anything that affected this question must be of a personal nature. Expressions had been made use of, and a course pursued, certainly as objectionable, if not more objectionable than that of the hon. Member for Knaresborough, by Gentlemen holding high offices. He did not say—

"That in the Captain's but a choleric word,
Which in the soldier is rank blasphemy,"

He should, therefore, move a Resolution—

"That inasmuch as the Secretary of State for the Colonies did on a former occasion, in his place in Parliament, accuse his former Colleagues as Cabinet Ministers, [*Laughter*]—

He hoped he should not be interrupted; he should go through with his duty, and interruption would only give him the trouble of reading his Resolution a second time.

of introducing measures for the consideration of Parliament which involved the low and infamous tricks of thimble riggers, and

had offered no explanation or apology; and. inasmuch as the right hon. Baronet the First Lord of the Treasury did in the course of debate on a former occasion accuse the hon. Member for Stockport of exciting to the horrible crime of assassination; for which he had made no satisfactory explanation or apology; therefore it was not expedient, fitting or proper in this House to proceed further to notice the language of the hon. Gentleman the Member for Knaresborough, which was supposed to reflect upon the right hon. Gentleman the Secretary of State for the Home Department, and the hon. Member for Beverley, particularly as those words were not used in this House."

No hon. Member seconded the amendment.

Motion agreed to, Resolution adopted.

Lord *John Manners* was not aware the Speaker was putting the original Motion, he thought it had been the Amendment. He would ask, therefore, whether there was now any opportunity of demurring to any part of the Resolution.

The *Speaker*: The Resolution has already been acceded to by the House.

[On this question it will make our records complete, if we copy from the Votes of the House of Commons the entire entry on this subject.

Order read for the Consideration of the Complaint of Passages of a Speech delivered at a public meeting which took place in the Music Hall at Leeds, in favour of the Ten Hours Factory Bill, by William Busfeild Ferrand, esquire, a Member of this House, as reported in The Times newspaper of Wednesday, April 10, 1844:—

Order for attendance of Mr. Ferrand read:—

Mr. Ferrand attended accordingly—

Passages complained of read—

Whereupon Mr. Ferrand was heard, and stated that he did not in any manner retract any of the expressions contained in the said passages of this Speech, that he denied the jurisdiction of the House in this matter, and therefore refused to plead at its Bar.

And Sir James Graham having explicitly denied the charge of his having procured Mr. Mott, the Assistant Poor Law Commissioner, to make any false Report; and also of having used any means whatsoever to influence the decision of Mr. Hogg, the Chairman of the Nottingham Election Committee, in order to deprive Mr. Walter of his Seat—

And Mr. Hogg having on Wednesday last stated, that the charge against him as Chairman of the Nottingham Election Committee was wholly without foundation—

And Mr. Ferrand having again declined to give any explanation in the House—

Mr. Ferrand, Sir James Graham, and Mr. Hogg withdrew.

Resolved, That in the expressions in the said speech it is imputed to the right hon. Sir J. Graham, a Member of this House, that he "took steps to procure a Report which was false, merely for the purpose of crushing a Member of the House of Commons;" and also, that he had subsequently "dismissed the poor tool who had been his degraded and ignominious instrument in fabricating the injurious Report:"—That in another passage, with reference to the Petition against the Return of John Walter, esquire, to this House for the town of Nottingham, in the year 1842, it is stated, that "it was felt necessary by Sir James Graham to get him out of the House of Commons; and that James Weir Hogg, esquire, a Member of this House, who had been Chairman of the Committee appointed and sworn to try and determine the matter of the Petition, complaining of the said Return, "had aided Sir James Graham and the Government in unseating Mr. Walter;"—That the said Sir James Graham and James Weir Hogg, esquire, having, in their places, denied the imputations cast upon them, and William Busfeild Ferrand, esquire, having avowed that he had used the said expressions, and having declined to substantiate the truth of them, this House is of opinion that the imputations conveyed in the said expressions are wholly unfounded and calumnious; and that they do not affect, in the slightest degree the honour and character of the Members to whom they were applied.]

HOURS OF LABOUR IN FACTORIES.] On the Order of the Day for the House to go into Committee on the Factories Bill having been read,

Mr. *T. S. Duncombe* rose to move as an amendment to discharge the Order of the Day, for the purpose of referring the Bill to a Committee up stairs, which should take evidence, and he did so for the purpose of having the public mind satisfied upon a subject on which, he believed, there existed very grave and considerable doubt—he meant in reference to the effect which limiting the hours of labour to ten, would have upon the pecuniary resources—that was, on the wages of the operatives. He now asked this question, what would be the effect? He was there to prove as far as he was able, and he hoped he should be able to show to the satisfaction of the House, that very grave and considerable doubt did exist, not only in the House—perhaps it did not exist so much in the House—but in the minds of the working classes of the country, that limiting work to ten hours, instead of having the effect of reducing their wages, would have the effect of raising wages to a considerable degree. If there be such an impression on the minds of any considerable portion of the working classes,

and if such an impression be unfounded, as it was said to be in that House, he thought the working classes ought to have the power of submitting their evidence upon that point. Because the House will recollect that almost all the argument resorted to against the ten hours proposition by hon. Gentlemen was their belief that it would be injurious and detrimental to the working classes to limit the hours of labour for females and young people to less than twelve hours, because it would have so injurious an effect upon the interests of those persons; and that their families would not have power of procuring those comforts which they had at present, in consequence of the diminution of their wages. It is said in answer to this that the working classes are prepared for the worst consequences, and should there be a reduction of wages they would submit to it. There was, however, an important question beyond this. If they asked the working classes whether they expected the reduction in the hours of labour would have that effect, they said they did not expect it would have any such consequences; they said they were prepared to chance it; they said that they were aware the masters would make the attempt to reduce wages, but they did not believe they would succeed. What were the opinions expressed by various Members of that House, and in the petitions presented on the part of the masters in reference to this subject? He would call the attention of the House to the petition which had been referred to by the right hon. Gentleman the Secretary of State for the Home Department, signed by sixty-two firms at Manchester, employing 30,000 hands. That petition was presented to the right hon. Baronet the Secretary of State for the Home Department. These 62 firms said that the reduction of wages in consequence of the reduction in the hours of labour to ten, would be from 15 to 25 per cent. The right hon. Gentleman himself stated that the reduction would be 18 per cent. The learned Gentleman the Member for Liskeard thought the reduction would be about nine per cent. whilst a gentleman who had recently published a pamphlet, Colonel Torrens, believed the reduction would be 25 per cent., and said that the Bill of the noble Lord the Member for Dorsetshire ought to be called "A Bill for the reduction of the wages of the operative classes throughout England." There was another petition, presented to the House by the hon. Member for Stockport, which stated the same reasons for opposing the Ten Hours Bill. The petitions in favour of the Ten Hours did not touch upon the question of wages; that was not brought by them under the consideration of the House. He said that this was a most important element in coming to a decision upon this subject. It was a question very fairly for their consideration, because he believed that there was considerable doubt in the minds of Members there as well as elsewhere. If he thought that, by reducing the number of hours of work by one-sixth, they would be reducing the wages of the workingman twenty-four per cent. he would not support it. They had got rid of their personal squabbles, and there was no longer any interest taken in the business of the House; but he wished to come to a satisfactory and an amicable conclusion on this difficult question. Whilst it was said in the House that the effect of the limitation would be to reduce wages, and the working classes maintained that it would raise them, it was time for the House to inquire into the subject. He had heard, when he was at Manchester, the other day, when he saw delegates from Ashton, Sheffield, and elsewhere, and the subject was discussed, that they believed the effect of the limitation would be to increase wages: they believed this in consequence of what they saw passing around, and one of the parties from Sheffield had favoured him with a statement of the effect of working a reduced number of hours at Sheffield, and the impression of the working classes there. There was no town in which it was more distinctly understood and believed that a reduction of the hours of labour would cause wages to rise. He would call the attention of the right hon. Baronet to this: he was sorry to see that he was not taking so much interest in this subject as he did in the last subject before the House. [Sir *James Graham*: "I assure the hon. Gentleman that I am."] They maintained that the result of a limitation would be a raising of wages instead of a reduction, because this had been found to be the state of things at Sheffield. There sixteen trades had, at this moment, reduced the hours of work of their own accord, and this was the result.

"The Sheffield spring-knife grinders, four

months ago, were working 66 hours per week, and had 300 men employed, with 150 boys. They now work 42 hours per week, and 400 are employed, with 230 boys, and work only 42 hours weekly, with wages advanced at least 20 per cent., and have taken 50 paupers off the parish, who now have their share of employment. During the long-hours system, from August to January, the trade was very brisk; to use their own expressions, they worked 'all the hours God sent,' but during the seven months work was just as they could get it—nothing to do on Monday and Tuesday, and during the remainder of the week all hurry and bustle. Now they work seven hours regular, and in the morning and evening can go and cultivate their gardens after their toil. Fork-forgers and grinders, under the long-hours system worked 66 hours, now work 36 hours. Recently a rise in wages has taken place of 25 per cent.; formerly 200 men were employed, now 300. Razor-grinders formerly worked 66 hours, now they work 45, with an increase of wages 10 per cent.; 300 formerly, now 400 employed. Table-blade grinders formerly worked 66 hours, now only 36: increase in wages 25 per cent.; increase of number employed, 20 per cent. Brace-bit grinders worked 66 hours, now 36: increase in wages, 100 per cent. Table-blade forgers worked 12, 14, and 16 hours a-day, now uniformly work 8, with increased wages of 30 per cent.; additional number employed, one in 7. Table-knife cutlers worked on an average 15 hours, now 10: result, increased wages, 15 per cent.; number employed additional, one in seven. My time has not permitted me to ascertain the results in all the other branches of the trade, but I feel convinced that the alteration will have proved equally beneficial to the workmen. Britannia-metal smiths worked 11 hours, now 9 daily; saw-makers worked 60, now 48 weekly; file-grinders worked 60, now 36 weekly; scissor-grinders worked 11, now 9 daily; razor-forgers worked eleven, now 9 daily. In the grinding-trade every man has to pay 3*s.* 3*d.* for 12 hours power, whether they work them all or not; they have to find their own tools, and neither their employers nor proprietors of the place will furnish fans or flues for the preservation of life."

The men in the factory districts naturally believed that what took place at Sheffield would take place elsewhere. The delegates saw no reason why it should not take place at Manchester as well as Sheffield, nor did he. At Sheffield they might work for twelve hours if they liked; but by combination they agreed only to work seven or eight hours, and they said the effect of this combination had not been to depress wages. He said that this required some explanation. The state of trade at Sheffield was not brisker now than last year, when, to use their own expression, they "worked all the hours that God sent." Yet, when they were now working fewer hours, they said their employment was more general, and they had better wages. These also were the opinions expressed in the evidence given in 1832 before Mr. Sadler's Committee. That Committee did not make a Report, and he wanted the Committee now to be appointed to make a Report. If the working men were deluded, let their minds be disabused. If the ten hours would reduce the wages one-fourth, he would not wish to make such a reduction. There had been nothing since the Committee of 1832 on this important point. In that evidence Mr. A. Whitehead, a clothier, gave this evidence:—

"Are the wages any better in those districts where the excessive labour is undergone than where it is moderate?—Wages are lower where they are worked the greater length of time. Only last week I was travelling from Leeds to Holmfirth, and as we were going past Mr. Whitaker's mill, a gentleman in the coach said, 'Mr. Whitaker has not built up his mill yet.' I said, 'No.' He said, 'What is his reason for not carrying on his business?' I said, I believe he does as much business now as ever he has done, but he gets his work done at the mills at Holmfirth.' 'That looks strange,' said the gentleman, 'that he should send his work to Holmfirth, when he might have it done in his own mill. How is that?' 'In his own mill he only works about twelve or thirteen hours a day, but I know that at the very mill where he has his work done, they work not less, when they have plenty of work, than seventeen and half hours per day.'"

And again, further on, he says:—

"Suppose the hours of labour be reduced, do you think wages would remain the same?—Perhaps they would not remain the same. I do believe, and I know it is the general impression of the inhabitants of Holmfirth, that wages would rather rise than fall if the hours of labour were limited."

Mr. David Brook, a cloth dresser of Leeds, gave this evidence:—

"Is it your impression, then, that while the public would not suffer, the master would be a gainer, rather than otherwise, by moderating the hours of labour?—I gave it as my opinion that it would be an advantage, not only to the men, but the masters also, that the hours of labour should be regulated. If the hours of labour were regulated, it would in some measure destroy undue competition for labour, and the wages would be more likely to rise than fall.

"As you have had a great deal of commu-

nication with a great body of intelligent operatives of that large town and neighbourhood, as well as of other places, state to the Committee the general impression on their mind as to this important point?—As far as I have had communication with them, which has been extensive of late, the desire of the operatives is, that the hours of labour shall be regulated, and less time be worked; but it is not anticipated generally that any reduction will take place.

"Supposing it should take place, are they prepared for the alternative?—They are, and will submit to it; and, generally speaking, they will submit to it cheerfully, rather than work the long hours they do. Let me not be misunderstood; they will submit to it, not, however, without attempting to keep them up.

"But if the alternative was presented to them, they would prefer lower wages to this excessive labour with higher wages?—I do not know that I have questioned them particularly, but, as an individual, I would."

Mr. Matthew Crabtree, a blanket manufacturer, said:—

"What is the impression in the country from which you come with respect to the effect of this Bill upon wages?—They do not anticipate that it will affect wages at all.

"They think it will not lower wages?—They do.

"Do you mean that it will not lower wages by the hour, or that you will receive the same wages per day?—They anticipate that it may perhaps lower their wages at a certain time of the year when they are working hard, but not at other times, so that they will have their wages more regular."

Mr. John Hannam, a cotton spinner, gave this evidence:—

"In your experience, have you found that the larger wages have been paid where the longest labour has been required, or the reverse?—It is generally the reverse; they reckon to pay for their time, but their wages are generally lower at places where they work those long hours.

"Do you find that the wages are better in those places where the hours are excessively long, or where they are more moderate and short?—The wages are worse where they are in the habit of working so many hours.

"Has that been your observation and experience through life?—Yes."

Samuel Smith, Esq., a surgeon, of Leeds, said:—

"In considering the limitation of hours to be enacted by Parliament, ought not the Committee to consider the diminution of wages, and consequently the diminution of the comforts arising from them, as well as the injury done to health by the greater length of the hours?—Certainly, I think that consideration should be taken into view; but, although I understand very little of such subjects, still I have a strong impression that Mr. Sadler's Bill will have a tendency to increase wages rather than to diminish them.

"Can you state whether that is the general impression among the working classes in Yorkshire?—It is; they have that impression in some degree."

And lastly, Mr. Richard Oastler gave evidence, which he (Mr. Duncombe) believed he would still maintain, which he still impressed on the working classes, and which he declared he was ready to maintain now before any Committee:—

"Have you formed any opinion with respect to the effect this Bill would have upon wages?—I have a decided opinion upon that point; and my own opinion is, that it will not lower wages; I think it will raise wages.

"Not even in the first instance?—In the very first instance there will be a little battle between the two parties; the master will expect them to work at lower wages, and the men will stand out a little.

"Of course this Bill must in some degree diminish the profits of the masters, must it not?—I do not know that at all. I believe that they are competing with one another, at present, to such a degree, that if they did less work they would get more profit."

That Committee made no report. There was another Committee, which sat in 1840, of which the noble Lord the Member for Dorsetshire, was chairman: that Committee also blinked this question, and also made no report on the effect of the limitation of the hours of work upon wages. It went into the physical condition of the operatives, but it neglected the other most important point. If the right hon. Baronet would consent to the appointment of this Committee, he proposed that it should confine the inquiry entirely to the question of wages, and to the effect of a limitation of ten hours upon the wages of the operatives. Who was right upon this question? The operatives said that it would increase wages, and hon. Members and persons who wrote said there would be a reduction of 25 per cent. They might depend upon it, unless they procured further information, there would be no satisfactory settlement of this question. He knew it was said that the Committee might hang up the Bill till the end of the Session, and that there would be no Bill. He believed it would be better, for the credit of the House and for the operative and labouring classes of this country, if there were no Bill in the present Session, rather than that they should pass a twelve hours Bill. He had received letters

from the working classes requesting him not to bring on this Motion for a Committee, because it would hang up the Bill, and their expression was, that the noble Lord would be able to carry his ten hours Clause. Every man of sense knew that the noble Lord had not a shade or a shadow of chance of carrying his ten hours Clause on the third reading. The Government would then tell him that they had discussed all the Clauses of the Bill in Committee, where it had been fairly sifted as it could be: for the hon. Member for Bath and the hon. Member for Sheffield had given notice of amendments. The noble Lord had fancied that the House would go into Committee, report the Bill, and pass the third reading, and that nothing would be said; and then he would come down before the Bill passes with Clauses, which would so conflict against other Clauses already agreed to, that Her Majesty's Ministers would, of course, resist the Clauses successfully. The other day the noble Lord thought that he (Mr. Duncombe) had not treated him with candour or justice. He neither intended any disrespect to the noble Lord, nor to treat him with any injustice—quite the contrary. The noble Lord told him that the working classes understood their own interest ten times as well and had ten times as much candour as he (Mr. Duncombe). So convinced was he that they did better understand their own interests, that he wished to give them the Franchise, and permit them to have representatives who would protect those interests. He would advise the House to send the Bill to a Select Committee, merely for the purpose of having this point explained. He believed it would not take long—not so long as the time which would intervene between the present period and that when the noble Lord would have an opportunity of moving his amendment. Let it be an impartial Committee, and the fewer in number the better—a Committee in which all parties would have confidence. He thought not only the Government, but the House, ought to abide by the report of such a Committee, whether it decided in favour of ten hours or twelve. He would not reproach any one for what had occurred in that House on a previous occasion; he would leave it to the House to decide as it might think proper. He was sure the working classes would be happy and proud to hear the arguments of the free traders before a Committee, for they believed they could refute those arguments. If they did refute them, he was sure an impartial Committee would so report; and if they did not, and it was thought the reduction of the hours of labour would have the effect of diminishing wages some 25 per cent., he should be guided by the decision of the Committee, and he believed the working men, having confidence in such a tribunal, would submit with better temper than they felt at present to the Bill pass ing with the twelve hours Clause. Such a Committee could not by possibility do harm, and he could not understand on what ground any one could object to it. The working man was not afraid to go before a Committee; it was impossible that the free traders could object to it, and he felt confident such a course would open the door to a satisfactory settlement of this difficult question: the House would put a stop to this controversy, and they would come to a conclusion satisfactory to the country, to the honour of the House, and beneficial both to capital and labour.

Mr. *Ward,* in seconding the Motion, said, that as the hon. Member for Finsbury had alluded to the feeling in the town which he (Mr. Ward) represented, he took the earliest opportunity of stating why he concurred with the hon. Member. He would not press this Motion on the attention of the Government with any view of embarrassing them, but because he believed that an inquiry, limited to this particular point of wages, which had never fairly been gone into, would be productive of great good. There were double reasons for adopting this course; there were reasons which would affect Members of that House, and even out of the House. In the House he felt, after the two decisions to which the House had come, that it would be difficult to retrace their steps, without some new ground being put forward; and out of the House, if the Votes on the former discussions were rescinded without any fresh cause being assigned, it would be attributed to the worst of motives—it would be put down to Government interference—it would be said, that the interests of the working classes had been sacrificed to those of party. He had had an opportunity since the debate took place of seeing what the feeling of the working classes was. He would not allude to anything regarding himself, were it not on account of the fact

that he had been severely handled during the debate. He stated very frankly and fairly the reasons which induced him to take the course which he had taken. He told them that the population of Sheffield lived by its foreign trade, and that look at the subject as they would, that cheapness, the result of superior industry or superior skill, was the only foundation of foreign trade. He was answered very much in the terms that his hon. Friend said he had heard expressed by the deputies from Sheffield. The hon. Member here read extracts from a letter which he had received from Sheffield, stating that the various branches of the Sheffield trade were varying in production, inasmuch as some of the artizans worked ten, others eight, and others only six hours per day, as they found it necessary. It was said they were the best judges of their own affairs, and they found the system work well. He had confirmed his hon. Friend's statement, by the document he had read as to the hours of labour in Sheffield, in order to answer his argument. That system had been in operation in Sheffield about six months, and what was the effect on the foreign trade of the town? The morning after he had received the letter to which he had referred, he met an hon. Member of that House, who was largely engaged in the export trade, he meant Mr. Muntz, the hon. Member for Birmingham, who asked him, in his usual frank way, if all his constituents were gone mad? He replied that he did not think they were all mad, but there were some of them for whose sanity he should be very sorry to vouch. He then inquired what they had done, and the hon. Member answered that, for the first time since the bad times came, he had been able to send them a very large order at fair prices, enough to keep half the town at work for some time. They kept it three days, and then sent it back, and said they were very sorry, but the working men could not think of undertaking the work on the terms offered. And what was the consequence? Why, the order went to the Continent the next day, and it would be willingly executed there at the prices offered. He had a letter, also, from another friend, who was largely engaged in the export trade, and who gave him the history of what was now passing among the working men. He said that a foreigner brought a letter of introduction to him last week: he was a large buyer of cutlery, but he did not make a purchase, in consequence of the advance in our market. He wanted the goods for the Turkish market, and he said he should buy where he could purchase cheaper. This was true now as to many articles, and the heads and hands which could at present make such goods on the Continent, would not require seven years of apprenticeship to compete with us in the manufacture of other articles. Looking at these facts—looking also at the facts which might be adduced by the manufacturers of the cotton and woollen trade, and all other branches of industry, he thought it would do the greatest good if the two contending parties were brought fairly together, and allowed to state the opinions which they conscientiously entertained. He believed the proposition to limit labour was absolutely impracticable, and he was sure that before a Select Committee evidence would be collected which would carry conviction to the public at large, and it was with that view he wished to go to a Committee.

Sir *James Graham* said, that on a question of this description it was not consistent with his duty to consult only the interest of the Government; he should wish to consult also the feelings of every portion of the community; and he was strongly of opinion that it was not the interest of any party to have a Select Committee appointed. If any facts were disputed, no mode of inquiry could be more efficacious than a Committee; but he did not think this was a case in which enquiry was necessary. There were many antagonist views. The two hon. Members who had moved and seconded the Motion would go to a Committee with views as opposite as the poles, for they were each convinced that the result of an inquiry would lead to different conclusions. He might be allowed in passing to remark, that it did so happen that upon this very question, not of fact but of opinion, viz., the effect of the reduction of the time of labour on wages, the House had already inquired. There was a most elaborate inquiry in 1832, and the hon. Member for Finsbury had quoted largely from the Report of that inquiry. To refer this Bill to a Committee, upon the Motion which had been submitted to the House, would give rise to the belief that the Committee was about to decide upon the reduction of wages coincident with the reduction of the hours of labour from twelve to ten hours. But that was not the question. The question now before the House is, that the Bill which had been read a second time, should go into a Committee of the whole House. The

object of the hon. Member was limited to a Committee upon the effect of the reduction of the hours of labour on wages. It was open to him to make it a substantive Motion; but it was most inexpedient to enter into this inquiry as immediately connected with the Bill before the House. It might be a very important inquiry, and as a substantive Measure he was not prepared to say that he should not support it; but as bearing on the question now under consideration, whether they should go into Committee on the details of this Bill, he had the strongest objection to such a Motion. If ever there was a Bill which had been well considered by that House, it was the present. A Committee sat in 1840, over which the noble Lord the Member for Dorsetshire presided, and that Committee went at length into this Bill, except as to the question of the hours of labour; and the noble Lord with all his anxiety upon that subject, most wisely in 1840 excluded it; and why? because this question of the limitation of the time of labour did not rest upon a question of fact, but it was to be carried, if at all, by general reasoning drawn from facts, and such reasoning was not the duty of a Select Committee, it was the duty of the Legislative Assembly. The argument had been full, and the noble Lord had given a fresh opportunity of discussing the question upon the Motion of which he had given notice—the limitation of time to ten hours would then be raised; and he should be wasting the patience of the House were he at that time to enter into the general argument; but there was an argument which was conclusive, and not very abstruse, by which it could be demonstrated that a reduction of time must entail a certain loss on the labourer which without that reduction of time would not occur. That loss must be compensated either by a reduction of profit or a rise of price; it must fall on capital or on wages. At the right time he should be prepared to urge this view of the subject; but it was a question not to be raised before a Select Committee. Such questions were perhaps as important as any upon which a deliberative assembly could divide, and ought to be argued before the whole House. If justice required it, he would willingly accede to a Committee. The hon. Gentleman fancied himself the mouth-piece of the working classes; but he was not aware that the parties interested—the workmen concerned in cotton, wool, and flax—had petitioned the House for a Committee of inquiry. This Bill, with the single exception of the limitation of the time of labour to ten hours, embodied in it all the recommendations of the Select Committee of 1840; and its provisions, he believed, were generally approved of by the working classes. He thought it would be trifling with the hopes of those persons, because there were different opinions upon one point in the House, that they should fail to satisfy their just expectations on all the other points. He was quite sure that the Motion of the hon. Gentleman would have the effect of delaying the Bill so that it could not pass this Session. A Committee sat in 1840, and the late Government introduced a Bill in 1841; in 1842 no measure on the subject was brought forward, but there was a Bill, which proved abortive in 1843; and this was now the third time, within the last two or three years, that a Bill on this subject resting on high authority, and most of the provisions of which were much approved, had been brought before the House; much disappointment had already been caused, and after the discussion which had taken place on the ten hours' question, which was now postponed for a time, they had arrived at the very point of considering the Bill upon going into Committee, when the hon. Gentleman sought by his Motion to cause further delay, notwithstanding the Motion of which the noble Lord had given notice, and upon which it was right to observe a full discussion would take place. He (Sir James Graham) would not anticipate that discussion, but would entreat the House not to disappoint the expectations which he believed were generally entertained with respect to the provisions of this Bill. The hon. Gentleman had not produced any petitions in favour of his Motion, and he trusted the House would not entertain it.

Sir *George Strickland* said, that the motion of the hon. Member for Finsbury was, in effect, to get rid of the Bill. He, however, thought the provisions of the Bill were so important, that even without the ten hours Clause it was of great moment that no further delay than was absolutely necessary should take place. He (Sir G. Strickland) was a member of Mr. Sadler's Committee, and also of the Committee of 1840, and he was sure both Committees fully investigated all the points brought before them. He was extremely doubtful whether, if the hon. Member obtained the Committee he sought for, he

would obtain any valuable information in addition to that which had been already elicited. It was a most difficult subject; it was not one that depended on facts, and they would have nothing but opinions if they sat for six months upon it. Those opinions would vary according to the different parties in the country, and the various kinds of employment. From Mr. Oastler they would have violent appeals on one side, and from persons of different opinions appeals as violent the other way. He had listened with great attention to the arguments of the hon. Member for Finsbury and the hon. Member for Sheffield, and he did not think that one of the circumstances to which they had referred had any bearing at all upon the question. With reference to the case of the Sheffield grinders, to which they had alluded, who had already succeeded in reducing their hours of labour to eight, what reference had that to the subject of a poor girl being obliged to work for more than ten or eleven hours? He had received communications on the subject from many parties in the country, and more especially from the town which he represented, and he had presented several petitions to the House, all of which took the same most rational view of the subject—viz., that the increase of the powers of machinery daily rendered it more necessary that some restriction should be put on the hours of labour, and relief given to those who had to work against the accelerated speed of machinery. Adopting, as he did, those views, he hoped the House would not accede to the Motion.

Mr. *Hume* said that no one regretted more than he did that persons should be obliged to work more than ten hours, but they were not in a condition to determine upon the number of hours which any individual should work; they were placed in competition with the whole world; they were not working against machinery, but with machinery to see how far they could give employment to the whole of the manufacturing population. The principle upon which he would act would be to extend the market for the consumption of manufactures of this country, in order to give increased employment to the people, and thereby relieve the destitution which existed. Some hon. Gentlemen, however, seemed to prefer stopping the machinery, regardless of a market which must keep up employment. The question was, whether this interference with labour would not add to the great evil now existing, namely, the want of employment. He could speak from long experience when he said that he never knew doubtful questions connected with the working classes so easily settled as by means of full investigation before a select Committee of that House, where persons of all shades of opinion could be heard. He would illustrate this by a question which excited the greatest attention amongst the whole of the masters and the mass of the working classes in the years 1823 and 1824—he meant the combination laws. The strongest prejudices existed on this subject, and the existence of the combination laws was productive of great mischief, and the workmen almost universally believed that they produced a low rate of wages. It was with the greatest difficulty that he could make the least impression on the minds of the workmen that the rate of wages depended on the extent of employment, and the proportion of labour. He obtained a Committee in 1824 to inquire into the operation of these laws, and he took care that a large proportion of the members of it should entertain opinions adverse to the repeal of the laws; the Committee sat for several months, and the result of the long investigation was, that the Committee unanimously agreed to a series of resolutions, recommending the repeal of these laws. The delegates also who came up from all parts of the country to oppose the alteration of these laws, returned into the country perfectly satisfied with the propriety of repealing them. As he had just observed, the result of the Committee was unanimous Resolutions as to the inexpediency of interfering with labour. A Bill was then passed within one week of the Session to repeal seventy-five Acts of Parliament for the regulation of wages and employment. That Bill met with almost the unanimous approval of the House and the country. He was sure, if they agreed to the present Motion of his hon. Friend, that the investigation before the Committee would satisfy the working classes of the error of supposing that there could be a ten hours Clause without lowering the rate of wages. He had always found the working classes to be most reasonable and and honest in their opinions, and he was satisfied that the examination before a Committee would satisfy them as to the fallacy of the opinion that they

entertained. [Sir *J. Graham*: They have not asked for inquiry.] No, perhaps not. But it was with the view of satisfying the working classes, and removing the prejudices which existed on this subject, that he approved of sending the Bill to a Committee up stairs. All his past experience convinced him that a Committee would get rid of conflicting opinions that were entertained on this subject. If England was the only country in the world which manufactured cotton, then it might regulate labour employed in that branch of manufactures as it pleased; but if they looked to all the neighbouring States and even Lima and China, they would find that this branch of industry was carried on, and this country had constantly to contend with new rivals. He knew, from many communications which he had had with the labouring classes, that the belief was extensively entertained that they could have twelve hours' wages for ten hours' labour; and, also, that there would be more work under this arrangement. Every attempt should be made to remove such delusions. He felt assured that if an inquiry was instituted the working men, who would be delegated to attend that Committee, would go back to their constituents and confess that they had entertained erroneous views on this subject.

Mr. *Escott* observed, that the question now before the House was not whether they should have further interference with the time of labour, but whether the Bill of the Government should be referred to a Committee of the whole House, with a view to its becoming the law of the land. He should feel it to be his duty to give every support to the Bill of the Government, and thus avoid the mischief which would inevitably result from adopting the extravagant proposition of the noble Lord. He advisedly used that expression, as it involved the monstrous proposition that the same amount of wages should be given for a much less amount of labour. He hoped that the House would not encourage such nonsense—for it was nothing more nor less than nonsense—by going into inquiry before a Committee up stairs on a matter which was as obvious as the sunshine in midday. He also objected to the proposal on the grounds which had been so ably put forward by the right hon. Baronet. He should avail himself of a future opportunity of dwelling on the amendment of the noble Lord.

Mr. *G. Palmer* was surprised at the exaggerated statements that had been put forward by some hon. Members opposite, and by several manufacturers out of doors. Could any reasonable person suppose that the foreign trade of this country would be destroyed because 150,000 persons employed in the manufactures had their labour limited by about two hours a-day. He felt that twelve hours' work for young persons and females was too much, although he was unwilling to interfere with the market of labour. He could not conceive that the adoption of the proposition of the noble Lord would have any material effect on the 400,000 persons who were dependent on the manufactures of cotton, wool, and flax, and who would be affected by the Clause. He believed that the sense of the country had been so fully ascertained and expressed on this subject, that the manufacturers themselves would in the course of next year assent to the adoption of the principle laid down by the noble Lord. He should vote for the House at once going into Committee on this Bill, and against the proposition of the hon. Member for Finsbury.

Mr. *Villiers* said, if there was any doubt as to the importance of proceeding with caution on matters of this kind, and assuming that they were sufficiently informed respecting the interests likely to be affected, it would be the speech of the hon. Member for Essex, who says that he and the House have made up their minds on this subject, and are satisfied that they have sufficient information on which to proceed; for he gives them an idea of the extent of his knowledge of the interests in question by the manner in which he speaks of the foreign trade. He says the error on this side was greatly to overrate it, that they did not know how unimportant it was; that they talked of it as if it was a large proportion of the people that were interested in it; whereas the fact was, taking the woollen, silk, linen, and cotton trade altogether, it did not amount to 400,000 people altogether that were interested in it; and the hon. Member, on this assumption, is ready to make a great experiment, thinking that it could not signify very much if it did not succeed. Let him give the hon. Member a bit of information that he ventured to say was correct, and which he will have the opportunity of verifying when he gets home, or if he should meet a friend who knows anything of the matter, which was, that in

the cotton business alone there are not less than 1,500,000 who are interested in its existence and present extent, who depend upon it, and who would suffer to-morrow if his school had their way in injuring it. The hon. Member laughs. He was glad to think that he had not misrepresented him, and that he was struck with the correction that he had given him. He would tell the hon. Member one thing more—that instead of 400,000 people, which he stated as the outside of those who are interested in the foreign trade of this country—that he would almost venture to prove to him it was not less than 4,000,000. The hon. Member was probably not less informed than many others; but do let the country consider what little reason there is for confidence in those Gentlemen opposite, in the mode in which they deal with commercial questions, when they proceed upon premises so grossly erroneous as those of the hon. Member. It is the habit of Gentlemen opposite to speak with contempt of manufactures in this country, and to think lightly of foreign trade. How fortunate they are that their various schemes for injuring them have not yet had complete success. The hon. Member is a county Member. Is he the least aware how deeply indebted he is to those manufactures and to trade for the absence of thousands and thousands, whom he would consider most unwelcome visitors, if they were to return to prove the liability of the property which he represents to contribute something to their support. The ignorance of such things was really lamentable; it was not peculiar on this question; it gives the character to the legislation of this House, and certainly afforded little reason for refusing inquiry on the most important matter in dispute. The question was whether such matter shall be referred to a Committee to satisfy the doubts that exist upon it, and the reasons opposed to it were certainly far from conclusive with him. It was said that it might delay the Bill, perhaps lose it. And suppose the truth was learnt at the expense for this Session, of the Bill, where, he would ask, would be the great harm of that? For his part, he could not learn who cared for the Bill. The hon. Member who has just sat down, says that there are several Clauses exceedingly vexatious to the masters, unnecessarily so; he regrets them, for he says he has not the bad opinion of masters that others have. The masters, then, certainly never called for the Bill—never wanted it the least, and it is denounced on their behalf by one of its supporters. Well, but do the working men want it as it is? No; the Member for Finsbury, who knows them well, who is in communication with them, has stated to-night that the only thing they cared for was the ten hours Clause, which is not in it, and which, as he said truly, there is not the most distant chance of being carried if it proceeds. Well, the masters don't want it, the men don't want it without the ten hours Clause; there is no chance of getting that this Session; there is some doubt, it seems, whether the men will ever think it worth having. The House ought to have no wish but that of doing good to the people in question, and yet, for fear of postponing this precious Bill, they were not to pause for a short time to see if the whole thing does not proceed upon error and delusion. Now he should support this Motion, not from any doubts on his own mind, but out of deference to the feelings, the interests, and opinions of that portion of the working people who believe themselves interested in this matter. If there were any honesty or real humanity in this House their only object in this legislation was to improve and raise the condition of the working people. A question had been raised and argued, and even by the friends of the Clause itself, as to whether it would have that effect or not—whether it would not, by reducing their wages, really put them in a worse condition than they were at present? Surely that was a reason to pause, at least unless there is any other reason for the Measure. The reason which the right hon. Gentleman the Secretary of State gave was certainly curious. He said there had been a Committee so recently as 1840, and there was no further reason for inquiry. But what did he say besides? Why, that the noble Lord had judiciously excluded the only matter now in question; that no evidence was taken as to the effect of the ten hours limitation, and no opinion formed upon it. Why that was the very point, and the only point that the Member for Finsbury wanted to raise, it was what had not been satisfied, but what he wanted to inquire into now; then the right hon. Gentleman says, that Committees were very good to inquire about facts, but not about opinions. Why, he knew that was the stock argument of any Government against any Committee whenever they wanted to resist one. He had no great respect for Committees of

that House, but he thought that they were as competent to collect and estimate opinion as they were to report upon facts, and they did both, whenever it suited the House to appoint them. But he contended that there was an important fact at issue, which it would be useful to clear up, which was, whether the working men, whose wishes this House desired to consult, were prepared for the reduction in wages which would inevitably follow from working less time. Those who knew them best said that they were aware of this result, and were prepared for it; while the Member for Finsbury, who was a staunch advocate for the ten hours Clause, said, he should shrink from its support, and that many of the working people would do so likewise, if their wages were to be reduced; and in the reports of speeches on this subject he had seen interruptions made by working men who said, that their wages were low enough, and that they would not submit to their being lower. He believed that to be the case. God knows, they were low enough, and the numbers who could get no work at all were really lamentable. He must pause then before, by any Act of his, especially legislating in the dark as they were, he could be a party to reducing them any lower; and when he recommended more investigation into this matter, let the House remember, that though the purpose was partial for which this Bill was intended, yet that it was avowed by the supporters of this Clause, that it was the beginning of one general system of intervention; that they were in a new social state; and that they must adapt their laws to the new circumstances: and there is no doubt, that unless the system was followed, it would be idle and mischievous to adapt it to one business alone. He said, then, let every pains be taken to make sure that this course of legislation is wise and useful for its avowed purpose, for the step may be difficult to retrace. Now, in this particular case, he could not help concluding there was delusion—a delusion that might be removed if a little time and trouble were given for that purpose. He saw men seeking the same object with the most opposite views, and by means which were antagonistic and conflicting. There were masters and men both seeking this Ten Hours Clause. What was the object of the masters? Why the same as that of the men—to diminish the competition among themselves. Some of them had the best machinery in their mills, and they had capital sufficient to stand their ground, and especially if the Measure had the effect they expected, that it would knock up many of the smaller masters, and which, doubtless, it would do. They would have the benefit, as they expect, of some capital being withdrawn from the business. Well, but how did the men expect that it would profit them, or rather raise wages? Precisely by the opposite method; by bringing more capital into the business; that is, they expected that one-sixth more mills would be immediately erected, and that this would create a greater demand for labour. Now these two things could not both happen, capital be brought in and withdrawn; yet some masters and some men were recommending this measure with these opposite views. Both wished to diminish competition, but, unfortunately, the competition which each complained of was advantageous to the other. In one case more labour was demanded, in the other more labour was given for less wages. Again, the men fancied that the price could be raised and consumption not be affected; he believed that was a delusion, and if consumption fell off, capital must be withdrawn. They further had an idea that by rendering it inconvenient to employ women and children, that it would probably raise the value of male adult labour, and that their wages would rise in consequence. Now this was again a fallacy; for if women and children were thrown out, the adult male labour employed in their stead would not be paid for more than their labour was worth, and there would be plenty of unskilled male adult labour immediately to compete with them, and they would, in the redundant state of the people now, have them come from all parts of the country for the purpose of getting what they could earn in the factories, and lower the condition, probably, of some of the skilled labourers who would lose the employment of their wives and children. Surely there was no excuse for interfering at all in these matters, but to raise the condition of the working classes; their state, generally, was far too low; it was pressing itself daily more and more upon their notice. Was it right, then, by them, was it wise, to be acting without the fullest information as to the prospect offered of accomplishing this object, and whether the expectations of the working people would be realised. From what he had ever seen or heard of the working classes, he declared he thought them rather more open than other classes to conviction, and there

was no reason whatever to believe that they would persevere in error, if they saw it in that light, and particularly when it might prejudice themselves and their families. He should like some working men to come before a Committee and state how it was that they thought their wages would be raised without affecting the market or diminishing consumption; and he should like them to read calmly the evidence which those of their own class, or others, might give to show the impossibility of it. Pains enough are not taken to reason with the working men. Some persons assume they are always wrong, and others are always ready to trade with their errors as if they were right. He should gladly reconsider the matter in any fresh inquiry, for he declared that if, by any departure from principle, he thought it possible to make the working classes generally better off, and more prosperous and contented, he would do so; but he could not hitherto come to any conclusion but that it was dire necessity that compelled them to work as they did now, and that an Act of Parliament, merely declaring that they should not work so long or so hard, would not really mend their condition. What the people suffered from was competition with one another; the only relief from that was to diminish the number of competitors; that could only be done legitimately by widening the field for their employment, so as to cause a greater demand for it, and to increase customers for its results. This could be done by the House if they would remove the impediments to the trade in the produce of that labour. This would raise the value of their labour in the market at home, and would give them freer access to all the articles of general necessity abroad, which would be exchanged for this labour. Let that be done, and the people would then dictate the terms on which they would labour.

Sir *J. Graham* explained. He had, it was true, stated that, in the Committee referred to by the hon. Gentleman, the subject matter in question had been quite omitted from consideration; but he had also stated that, in the Committee moved for by Mr. Sadler, in 1832, that subject matter had been fully sifted, and a great number of working men examined.

Lord *Ashley* begged to assure the hon. Secretary that the working classes were by no means indifferent to this Bill; on the contrary, the vast majority of them were extremely anxious for the larger portion of its provisions. There were, no doubt, one or two of its details to which they objected, but they regarded the main features of it, the great body of it, as effecting a vital improvement in their favour, and they were deeply grateful to Government for introducing it. This measure was mainly grounded, with the exception, indeed, of one or two points, on the report of the Committee of which he had the honour to be a member. On that Committee there were three or four master manufacturers of eminence. Yet there had not been a dissentient voice as to the main provisions recommended by the Committee, and were adopted in this Bill. He was perfectly sure that the delay occasioned by sending the Bill to a Select Committee, would be the source of the very greatest disappointment to the operative classes. The hon. Member for Finsbury himself had received from the operatives of Yorkshire a communication, imploring him to do nothing which should interpose delay in the passing of this measure. If this measure were referred to a Select Committee, there would be assuredly very small chance of its coming before the House again until the Session was so well nigh over that it could be too late to legislate upon the subject. He would implore the hon. Member not to press his motion.

Mr. *Cobden* said, that if any Bill for shortening the hours of labour could give the operatives the advantages promised them by the advocates of the ten hours' principle, without, at the same time necessarily subjecting them to losses and sufferings, which would far more than counterbalance the advantages, it would be a very different matter; but the question was whether a ten hours Bill would not involve a reduction of wages in a degree corresponding with the reduced labour, and whether this would not be a far more serious injury to the working classes than the saving of two hours work would be an advantage. This was a question from which there had been exhibited a great disposition on this occasion to shrink, though it was in reality the main point. He would undertake to say, that any Measure which, while it reduced the hours of labour, had the necessary effect, as any such Measure would, under existing circumstances, of reducing the rate of wages in proportion, would be received by the working classes

as anything but an acceptable Measure. How were people paid in the cotton manufacturing districts? Generally by the piece. How then could it be supposed that the fewer hours they worked the more they would earn. He had met with but two arguments by which it was sought to be made out that the same wages might be given for diminished hours of work. The one was, that the manufacturers could increase the speed of the machinery to such a degree that the same work might be done in ten as heretofore in twelve hours, and consequently the same wages be earned. Now he had taken pains to make inquiries upon this subject, of the best informed masters and millowners, and the answer he had received from each was, that their machinery, driven by steam, was now worked at the utmost rate at which it was profitable or paying to work it; that the tendency, indeed, of late years, had been to diminish, rather than increase speed, for that speed beyond a certain point, which was already attained, occasioned more loss from waste, than it could possibly produce any advantage in other respects. He was, therefore, he believed, quite safe in asserting that this argument of the ten hours advocates, was altogether fallacious. The second proposition was, on the other hand, that by reducing the hours of labour from twelve to ten, there would be diminished production; that this diminished production would sell for the same price as the present larger production, and that then, tempted by this rise in price, one-sixth more mills would be built, so as to produce the same quantity as now produced, for which much more labour would be required. Now, there was a great fallacy in this argument; its supporters went on the assumption that there would be always an equal if not an increasing quantity of cotton goods sold by this country, whatever our price, whereas the fact was simply, that our present sale of cotton goods arose from and was owing to their cheapness. If we increased our prices, we should infallibly lose our customers, and the handlooms, the distaff, and the spindle, in foreign countries, which had been superseded by our low-priced goods, would once more be set to work, Let it be put honestly before the working classes, that if the hours of labour were reduced, they must at the same time submit to a reduction of their wages in corresponding proportions, let this but be placed honestly before them, and see whether they would want a ten hours Bill; not they. They had already had experience of the operation of short time in the cotton districts; they had had eight hours time and did the men like it? Not at all; for they got only four days wages for their four days work. So completely did the earnings of the operatives in a mill depend on the time they worked, that he had been told of a gentleman who employed 1,600 hands, and whose machinery was driven by two steam engines, that if one of these engines stopped but for an hour in a week for repairs, the men employed about it received a perceptible diminution of their wages in consequence; and it was a source of general complaint if one of the steam engines worked slower than the other. Let no man think that the working classes would thank him and bless him for a Measure, which, reducing their hours of labour, diminished also their wages; far from it; such a man would speedily become the subject of general obloquy amongst the working classes. A good deal had been said in that House upon this matter, with reference to the conduct of the free traders, they had been charged as a body, as the especial advocates of long hours. Nay, the hon. Member for Finsbury had not hesitated to place the working classes on the one side, and the free traders on the other, as in hostility. Now he could tell the hon. Member for Finsbury, who called himself the representative of the working classes, in the first place, that the working classes were no more the advocates of monopoly than the free traders were; and secondly, that the free traders were taking the only rational and practical means; and it would come to that by and by, of diminishing the labour of the working classes, their hard and unreasonable hours of labour. He did not say, as had been said by others, that a reduction in the price of bread would alone afford compensation to the labouring classes for a reduction in the hours of labour; he did not see in the mere reduction of the price of wheat, or sugar, or coffee, the great means of enabling the operatives to get on with fewer hours of labour; but he said this—that if we enlarged the various markets for our productions, if we allowed a full and free exchange of our commodities for the corn, and sugar, and coffee of other countries, this would be the practical means of raising the value of our products, and, consequently, of raising the value of the labour which produced them; so that then, indeed, ten hours labour

might be as good, or better than twelve hours now for the pockets of the labourer, and produce as much profit to the employer. Such were the opinion of the most intelligent manufacturers in Lancashire, one of whom, employing several hundreds of men, had only that morning said to him, that if the House of Commons would take off the restrictions on trade he would willingly give his hands the same wages they had now, for ten hours labour. Mr. Deacon Hume, admitted on all sides to be a great and impartial authority, distinctly stated that the only practical way of shortening the hours of labour would be to remove the restrictions on industry. Let hon. Gentlemen who really wished the labourers to work only ten hours, and to get the same wages as for twelve, support the hon. Member for Wolverhampton when he next brought forward his Motion for a repeal of the Corn Laws, and their object would speedily be effected. He should vote for the Select Committee, thinking it calculated to clear up, beyond a doubt, many disputed points which at present were made use of to interpose serious difficulties in the way of a proper adjustment of the whole matter.

The House divided on the question that the Order be discharged—Ayes 42 ; Noes 145: Majority 103.

List of the AYES.

Aldam, W.
Barnard, E. G.
Berkeley, hon. Capt.
Bernal, Capt.
Bowring, Dr.
Bright, J.
Browne, hon. W.
Buller, E.
Busfeild, W.
Cobden, R.
Colebrooke, Sir T. E.
Collett, J.
Duncan, Visct.
Duncan, G.
Ewart, W.
Forster, M.
French, F.
Hatton, Capt. V.
Hay, Sir A. L.
Hill, Lord M.
Hindley, C.
Hume, J.
Humphery, Mr. Ald.
Leader, J. T.
Mc.Taggart, Sir J.
Marshall, W.
Philips, G. R.
Plumridge, Capt.
Protheroe, E.
Pulsford, R.
Scholefield, J.
Smith, B.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thornely, T.
Trelawney, J. S.
Villiers, hon. C.
Wakley, T.
Wawn, J. T.
Williams, W.
Yorke, H. R.

TELLERS.
Duncombe, T.
Ward, H. G.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
Adderley, C. B.
Aglionby, H. A.
Ainsworth, P.
Arbuthnot, hon. H.
Arkwright, G.
Ashley Lord
Bailey, J., jun.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Baring, rt. hn. F. T.
Baskerville, T. B. M.
Beckett, W.
Bernal, R.
Blackburne, J. I.
Blakemore, R.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowes, J
Brotherton, J.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Cardwell, E.
Carnegie, hon. Capt.
Cavendish, hn. G. H.
Chapman, A.
Chelsea, Visct.
Chetwode, Sir J.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Collett, W. R.
Colquhoun, J. C.
Coote, Sir C. H.
Corry, rt. hon. H.
Cowper, hon. W. F.
Cresswell, B.
Cripps, W.
Damer, hn. Col.
Darby, G.
Denison, E. B.
Dodd, G.
Douglas, Sir C. E.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Feilden, W.
Fielden, J.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Gaskell, J. Milnes
Gladstone, rt.hn.W. E.
Gordon, hn. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Gore, hon. R.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, P.
Greene, T.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, rt.hn.Sir.H.
Harris, hon. E. A. J.
Hawes, B.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Hope, hon. C.
Hope, G. W.
Howick, Visct.
Hussey, A.
James, Sir W. C.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Kemble, F. W.
Knatchbull, rt.hn. Sir E
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Lemon, Sir C.
Lincoln, Earl of
Lygon, hon. Gen.
Mc Geachy, F. A.
McNeill, D.
Mainwaring, T.
Marsland, H.
Master, T. W. C.
Masterman, J.
Maule, rt. hn. F.
Meynell, Capt.
Miles, W.
Miles, P. W. S.
Mordaunt, Sir J.
Morgan, O.
Munday, E. M.
Napier, Sir C.
Newdegate, C. N.
Nicholl, rt. hn. J.
Norreys, Sir D. J.
Ord, W.
Oswald, A.
Packington, J. S.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Philips, M.
Pollington, Visct.
Ponsonby, hon. C. F.
Pringle, A.
Pusey, P.
Rashleigh, W.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Russell, J. D. W.
Seymour, Sir H. B.
Smith, rt. hn. R. V.
Somerset, Lord G.
Stanley, Lord
Stewart, J.
Stuart, H.
Strickland, Sir G.
Sutton, hon. H. M.
Tomline, George
Trench, Sir F. W.
Trotter, J.
Vane, Lord H.
Walsh, Sir J. B.
Warburton, H.
Wellesley, Lord C.
Winnington, Sir T. E.

Wood, Col. T.	TELLERS.
Wortley, hon. J. S.	Freemantle, Sir T.
Young, J.	Baring, H.

House in Committee.

On Clause 3 being proposed,

Mr. *M. Philips* said, that the Clause gave a power to the sub-inspectors, which would not be at all liked by the manufacturer. He was extremely anxious that the inspectors of factories should be reduced to one class and placed upon an equal footing, and that hereafter no sub-inspectors should be appointed at all. He did not quarrel with the amount of remuneration which it was intended to pay these inspectors; but he must confess he did not see the necessity for these inspectors at all. His object was to make the Bill as little objectionable as possible to the parties for whom it was intended.

Sir *J. Graham* said, that the Clause placed a restriction upon the powers of the inspectors. Up to the present period these inspectors had the power of making rules and regulations. That power was taken from them and transferred to others. These sub-inspectors, it should be recollected, were appointed by the hon. Gentleman who preceded him in office. No complaint had been made against these sub-inspectors, and the inference which he was justified in drawing was, that they had executed their duty in a satisfactory manner. If they appointed only chief officers, it would greatly add to the expense, without any advantage resulting.

Mr. *Bright* said, that it was not an agreeable thing to have more persons than were absolutely necessary in possession of the power of going through manufactories whenever they pleased, and he thought it would be well if the Clause were altered, for it was one which was calculated to place unnecessary trammels upon trade. He was of opinion that the right hon. Baronet would consult the public benefit and the convenience of the manufacturers by agreeing to the alteration which had been suggested.

Sir *J. Graham* agreed that the Government ought to show reasonable grounds for asking the House to give that power which was proposed by the Clause, and did not suggest any unnecessary restriction. He believed that the power to visit the factories which would be given by the Clause was one that would not be constantly and generally acted upon, but only in cases when the inspector or sub-inspector thought that the law was evaded, and from what he knew of the manufacturers he did not think, under those circumstances, the visits would be frequent.

Mr. *M. Phillips* wished to know if the granting of this power could not be avoided without inconvenience.

Sir *J. Graham* said that the manufacturing districts were divided into four divisions, over each of which was an inspector, and a suitable number of sub-inspectors. Through those inspectors there was a direct control over the districts. He entertained in 1841, an opinion very much to the same effect as that of the hon. Member opposite, but since he had an opportunity of becoming better acquainted with the subject by greater experience, he had changed that opinion.

Mr. *Hume* said, that it was melancholy to witness this new attempt to put additional shackles upon commerce. They proposed to undertake that which they never would be able to carry out, and they were about to commence an interference that was quite unnecessary and uncalled for. He (Mr. Hume) looked upon the whole Bill as a nullity and a disgrace to the country.

Clause agreed to.

On Clause 5,

Mr. *M. Philips* objected to the appointment of a central office for receiving the reports of the inspectors. He did not see any necessity for creating an office of that kind, and it should be recollected that the creation of an office of that description was only the commencement of a future office of extended operation and increased expense. If there were any statistical returns of a nature calculated to be useful, they might be arranged under the direction of the Board of Trade, but it was not necessary to establish a separate office, which might perhaps be hereafter placed under the direction of a retired inspector.

Sir *J. Graham* agreed in the opinion that statistical statements or returns made by the inspectors should be superintended by the Board of Trade, but however successful that arrangement might be, it would be necessary, if it were carried into effect, to place the regulation of the inspectors also under the Board of Trade. The regulation of the inspectors, and the arrangement of the returns ought to be under one department, and if the control

over the inspectors was to be retained by the Home Office, the duty of receiving their documents ought also to be under the Home Office. The appointment of two or three clerks to arrange and take care of all the information on the subject of Factories which was afforded by the inspectors, would be a great public benefit. During the last year, the hon. Member for Salford called for a return which he was unable to give, in consequence of no such office as this, which was now proposed, having existed. If the reports were carefully kept and organised, that information could be easily obtained.

Viscount *Howick* thought, if Gentlemen were appointed with intermediate salaries between the inspectors and sub-inspectors, and the correspondence arranged by an intelligent clerk at the Home Office, it would be a better arrangement. The plan proposed by the Clause would have a tendency to bring inspectors to London more than was desirable.

Mr. *Hume* was of opinion that a clerk in the Home Office to receive the reports, would answer all the purposes which it was intended to effect by the creation of a new office. It was most objectionable to give any additional cause for leaving their districts. The Clause as it stood ought to be expunged.

Mr. *Bright* thought the reasons assigned by the right hon. Secretary of State were sufficient to show that it was not necessary to create that new office, as the duties might be as well performed in the Secretary of State's office. As there was to be no head, it was quite evident that the establishment of a distinct office was unnecessary; and if they did establish such an office, there was no doubt that in a short time there would be an appointment of a head of that office. If they established such an office, before two years they would witness the appointment of an inspector-general at the head of it. In one of the Factory Bills it had been shadowed forth, and he believed that an inspector-general had been spoken of. It would be desirable if the Clause were left out of the Bill altogether.

The Committee divided on the question that the Clause stand part of the Bill.—Ayes 157; Noes 53: Majority 104.

List of the AYES.

Acland, Sir T. D.	Adare, Visct.
Acland, T. D.	Adderley, C. B.
Aglionby, H. A.	Grimston, Visct.
Ainsworth, P.	Hale, R. B.
Arbuthnott, hon. H.	Hanmer, Sir J.
Arkwright, G.	Hardinge, rt.hn.Sir H.
Ashley, Lord	Harris, hn. E. A. J.
Astell, W.	Heathcote, Sir W.
Bailey, J. jun.	Henley, J. W.
Baillie, Col.	Hepburn, Sir T. B.
Baird, W.	Herbert, hon. S.
Balfour, J. M.	Hobhouse, rt.hn. Sir J.
Baring, hon. W. B.	Hodgson, R.
Baring, rt. hn. F. T.	Hogg, J. W.
Baskerville, T. B. M.	Hope, G. W.
Beckett, W.	Hughes, W. B.
Bernard, Visct.	Hussey, A.
Blackburne, J. I.	Ingestre, Visct.
Boldero, H. G.	Inglis, Sir R. H.
Borthwick, P.	James, Sir W. C.
Botfield, B.	Jermyn, Earl
Bramston, T. W.	Jolliffe, Sir W. G. H.
Brisco, M.	Jones, Capt.
Brownrigg, J. S.	Kemble, H.
Bruce, Lord E.	Knatchbull, rt.hn.SirE
Buller, Sir J. Y.	Knight, H. G.
Bunbury, T.	Lambton, H.
Cardwell, E.	Lefroy, A.
Carnegie, hn. Capt.	Lemon, Sir C.
Chelsea, Visct.	Lincoln, Earl of
Chetwode, Sir J.	Mc Geachy, F. A.
Cholmondeley, hn. H.	McNeill, D.
Christopher, R. A.	Manners, Lord C. S.
Clayton, R. R.	Manners, Lord J.
Clive, Visct.	Marjoribanks, S.
Clive, hon. R. H.	Martin, C. W.
Collett, W. R.	Master, T. W. C.
Compton, H. C.	Masterman, J.
Coote, Sir C. H.	Maule, rt. hn. F.
Corry, rt. hon. H.	Maunsell, T. P.
Courtenay, Lord	Meynell, Capt.
Cripps, W.	Miles, W.
Damer, hon. Col.	Mordaunt, Sir J.
Davies, D. A. S.	Morris, D.
Denison, E. B.	Mundy, E. M.
Dick, Q.	Neville, R.
Dickinson, F. H.	Nicholl, rt. hn. J.
Dodd, G.	Norreys, Lord
Douglas, Sir H.	Oswald, A.
Duncombe, hon. A.	Owen, Sir J.
East, J. B.	Patten, J. W.
Egerton, W. T.	Peel, rt. hn. Sir R.
Egerton, Sir P.	Peel, J.
Eliot, Lord	Plumptre, J. P.
Farnham, E. B.	Polhill, F.
Fitzmaurice, hon. W.	Pollington, Visct.
Flower, Sir J.	Powell, Col.
Forbes, W.	Pringle, A.
Forman, T. S.	Rashleigh, W.
Fuller, A. E.	Rendlesham, Lord
Gaskell, J. Milnes	Rushbrooke, Col.
Gladstone, rt.hn.W.E.	Russell, Lord J.
Gladstone, Capt.	Russell, C.
Godson, R.	Russell, J. D. W.
Gordon, hon. Capt.	Sanderson, R.
Gore, W. R. O.	Sandon, Visct.
Gore, hon. R.	Seymour, Sir H. B.
Graham, rt. hn. Sir J.	Smith, A.
Greenall, P.	Smith, B.

Smith, rt. hn. R. V.	Walsh, Sir J. B.
Somerset, Lord G.	Wellesley, Lord C.
Stanley, Lord	Wood, Col.
Stuart, H.	Wortley, hn. J. S.
Sutton, hon. H. M.	Wortley, hn. J. S.
Taylor, E.	Wynn, Sir W. W.
Tollemache, hn. F. J.	Yorke, hon. E. T.
Trench, Sir F. W.	Young, J.
Trollope, Sir J.	TELLERS.
Trotter, J.	Fremantle, Sir T.
Vesey, hon. T.	Clerk, Sir G.

List of the NOES.

Aldam, W.	Leader, J. T.
Barnard, E. G.	Marshall, W.
Blakemore, R.	Marsland, H.
Bowes, J.	Mitcalfe, H.
Bowring, Dr.	Mitchell, T. A.
Bright, J.	Norreys, Sir D. J.
Brotherton, J.	O'Ferrall, R. M.
Buller, C.	Philips, G. R.
Buller, E.	Plumridge, Capt.
Busfeild, W.	Protheroe, E.
Cavendish, hon. G. H.	Ricardo, J. L.
Collett, J.	Scholefield, J.
Copeland, Ald:	Stansfield, W. R. C.
Craig, W. G.	Stuart, Lord J.
Dawson, hon. T. V.	Talbot, C. R.
Duncan, Visct.	Trelawny, J. S.
Duncan, G.	Vane, Lord H.
Elphinstone, H.	Villiers, hon. C.
Evans, W.	Walker, R.
Fielden, J.	Warburton, H.
Forster, M.	Ward, H. G.
Gibson, T. M.	Wawn, J. T.
Granger, T. C.	Williams, W.
Grey, rt. hn. Sir G.	Wood, C.
Hawes, B.	Wrightson, W. B.
Howard, P. H.	TELLERS.
Howick, Visct.	Philips, M.
Hume, J.	Strutt, G.

Clause to stand part of the Bill.

Several other Clauses agreed to.

House resumed. Committee to sit again.

House adjourned at twelve o'clock.

HOUSE OF LORDS,

Monday, April 29, 1844.

MINUTES.] *Sat First.*—The Earl of Leicester, Viscount Hereford.

BILLS. *Public.*—1ª. Necton Tithes (Bishop of Norwich's); Charitable Donations and Bequests.

2º. Bail in Error; Courts of Common Law Process.

Public.—1ª. York and Scarborough Railway; New British Iron Company; New Quay Harbour and Tramroad.

2ª. Yarmouth and Norwich Railway; South Eastern, Canterbury, Ramsgate, and Margate Railway.

Reported.—Durham County Coal Company; Lancaster and Carlisle Railway; Birkenhead Improvement; Eastern Counties Railway (Brandon and Peterborough Extension); Manchester and Leeds Railway.

3º. and passed:—Norwich and Brandon Railway; Great Western Railway.

PETITIONS PRESENTED. By Dukes of Richmond, and Montrose, Earls Brownlow and Feversham, from Stirlingshire and an immense number of other places, in favour of Protection to Agriculture.—From South Shields, and 8 places, against, and from Moneyrea, and several other places, in favour of, the Dissenters Chapels Bill.—By Bishops of Bangor, and Exeter, and Earl of Stradbroke, from Tunbridge, and several other places, against the Union of St. Asaph and Bangor.—By Lord Brougham, from Ilchester, for Abolishing the Corporation of that place.—By Lord Campbell, and Marquess of Normanby, from Ballyroney, and 14 places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From the University of Glasgow, in favour, and from Cupar, and 3 places, against, the Abolition of Religious Tests in Scotch Universities.—From Sunderland, against imposing any Additional Tax on Coals for the purpose of Embanking the River Thames, and for the Repeal of the Duty on Coals Exported in British Vessels.

RECALL OF LORD ELLENBOROUGH.] Lord *Colchester*: I take the liberty of asking a question of the noble Duke below me, relating to a subject of great importance, which has excited much surprise in the public mind within the last two days. The recall of the Governor-General of India by the Court of Directors of the East India Company was announced to your Lordships on Friday, and it was at the same time stated, that it had not met with the approbation of Her Majesty's Ministers. I will take the liberty of now asking, whether the communication made by the Board of Directors to Her Majesty's Government was accompanied by any reasons for recalling the Governor-General. I will further take the liberty of asking the noble Duke, if he has any objection to state to the House what were those reasons, and if they were satisfactory? and, further, whether the Court of Directors have authority to take the step they have taken.

The Duke of *Wellington*.—My Lords, I regret that my noble Friend, the President of the Board of Control is not in the House, and I regret the circumstance the more, because it is occasioned by indisposition. Having, my Lords, heard that it was intended to put a question of a similar nature in another place, I am enabled at once to give an answer to the question which has been put by my noble Friend. There is no doubt that the Court of Directors have stated reasons for the recall of the Governor-General. Those reasons not being concurred in by Her Majesty's Government — not being considered valid by them,—they have not concurred in the measure adopted. Nay, more, my Lords, I will add, in answer to that question, that Her Majesty's Government did strongly remonstrate against the measure proposed to be adopted, and now adopted, by the Court of Directors, in

passing resolutions for recalling Lord Ellenborough from the office of Governor-General of India. But, my Lords, I must add, that there can be no doubt whatever—although a doubt was expressed by a very great authority, my noble and learned Friend opposite—of the legal right of the Court of Directors to recall the Governor-General of India. That right is conferred on that body by the law; and I know, that it has existed at all times since the year 1784. It was confirmed particularly by the law passed in 1813, and was renewed, or rather retained in 1833, by the 3d and 4th William IV., an Act passed under the auspices of my noble and learned Friend opposite. These various enactments gave to the Court of Directors the undoubted right to recall the Governor-General. But, my Lords, I conceive that this right is one which those who possess it are bound to exercise with due discretion; as all bodies and all individuals ought to do when they possess extraordinary powers under the provisions of the law. [*Loud cheering.*] In such cases, my Lords, they are bound to exercise that power with the utmost discretion. Now, my Lords, I will venture to submit to your Lordships as the opinion of an individual who has had some experience in these matters, that the exercise of the power belonging to the Court of Directors is not, in this instance, to say the least of it, a discreet exercise of that power. My Lords, the Court of Directors has this power. It has also the power of nominating a successor in the room of the person they recall. But, my Lords, it has no other power whatever, as your Lordships will find on looking into the law on the subject—it has no other power whatever, my Lords, except under the direction and control of the Board of Commissioners for the Affairs of India, at the head of which, my noble Friend (the Earl of Ripon) happens to be; and for the acts of that Board of Commissioners Her Majesty's Government is responsible. Under these circumstances, my Lords, I venture again to say, what I before said, that it is not a discreet act of authority to recall from power—to recall from such an important situation as that of Governor-General of India, an officer who was for little more than two years—an officer who has given satisfaction in so high a situation, to those by whom he was instructed and employed—whose acts have been concurred in and sanctioned in every instance; to recall that officer suddenly, making no provision for the performance of the great duties which are to be performed, and which must be performed in that country — to recall an officer in whom the Government fully confided, without the concurrence of that Government—is, my Lords, an act, to say the least of it, that cannot be called a discreet exercise of the power which is conferred on those who have so used it. My Lords, I will say nothing—I will advert to nothing that is not notorious—that is not strictly in reference to the Act of Parliament. I beg your Lordships to observe, that the body that did this act—which I must call an act of indiscretion, at least—that body, as a body, has no knowledge whatever of the instructions sent out to the Governor-General, and under which he acted. They stated reasons for withdrawing the Governor-General from India; but, as a body (except the Secret Committee appointed under the Act of Parliament), they had no knowledge whatever—they could have no knowledge whatever,—of the instructions under which the Governor-General acted, or of the events which had taken place in that country—except that which is within the general knowledge of this and the other House of Parliament, and the whole public of this country. And yet, my Lords, they take this responsibility on themselves,—having no knowledge of the instructions which it was deemed necessary to send out to that part of the globe,—and the Act of Parliament will shew they are bound to have none—having no share in giving those instructions—in short, having no knowledge on which to found a judgment on so important a subject as the recall of a Governor-General, they took upon themselves to pronounce their judgment on the conduct of this officer, and to disapprove of it. Now, my Lords, I must say, that having no knowledge which could enable them fairly to pronounce their judgment on his conduct, or that could justify them in depriving the Government and the country of the best instrument—I say it again, the best instrument that could be found to carry on and to perform the various duties of that great office, making no provision whatever for the performance of those duties which are now to be provided for by Her Majesty's

Government is an indiscreet exercise of the power they possess. My Lords, as I have said so much on this subject I will, in order to illustrate the indiscretion of this act (that is the best word I can find for it), go yet a little further. My Lords, though I believe that this is the first time in the history of the Government of India that this extreme measure has been resorted to by the Court of Directors, it has more than once been in contemplation; but upon the advice and remonstrance of the Minister of the day, the resolution of the Court of Directors has been always withdrawn. And it is the fact, that it has been in contemplation by these very Gentlemen, with reference to this same Governor-General, in the course of the last twelve months; but they were at that time prevailed upon to withdraw that resolution, and not to persist in the recall of my noble Friend. This was previous to the late great military operations in Gwalior, of which we have all heard with so much satisfaction,—operations which I am sure your Lordships will have perceived from the perusal of the Reports which have been laid upon your Table, must have been founded upon the most just and discriminate measures, for the equipment and maintenance of the armies placed in the field, under the direction and superintendence of the Governor-General—not the equipment only of those armies, but the support of the troops in the field, the maintenance of military communication, and the means of advance and retreat—in short, all that could tend to ensure their success—were amply provided for. Then, my Lords, suppose the case to have occurred of the Court of Directors thinking proper to recall the noble Lord six or eight months ago, whilst the measures to which I have just alluded were in contemplation, what would have become of the great operations at Gwalior—operations carried on under the superintendence and direction of my noble Friend the Governor-General? Why the Gentleman who was the senior in the Council must have succeeded my noble Friend—a respectable man no doubt he is, but without the experience of my noble Friend; and without the knowledge of equipping armies, and making proper arrangement for their being called into action, it is needless to add, that such great and successful operations as those to which I have alluded could not be carried on, and I leave your Lordships to judge what the situation of India would have been if that expedition had failed, and if such an army as we have seen described in one of the blue books upon this Table had continued in existence; threatened, as we were, at the same moment by a similar body in the Punjaub, on the north-west frontier, and with the province of Scinde still in an unsettled state. Why, my Lords, the danger would have been imminent, and this would have been the consequence of the recall of my noble Friend six or eight months ago, a measure which was in contemplation, and was only prevented by our representations to those who have now committed this gross indiscretion of recalling the noble Lord—it was prevented only by the representations made to those Gentlemen of the dangers which would ensue to the public interest from the measures which they were about to adopt, the dangers resulting from the impossibility that they would be able to provide for events which most probably would occur if they recalled their officer without the consent of Her Majesty's Government, who would thus be deprived of the instrument in their hands best fitted for carrying their instructions into execution, while the Directors, in this country, must be unable to direct the means in existence for securing the safety of their troops, for guarding their frontier, for upholding the honour of Her Majesty's arms, and the security of our vast dominions in that part of the world. I say again, as I have said before, and I say the least of it, when I pronounce it to be the most indiscreet exercise of power that I have known carried into execution by any body possessed of power since I have had a knowledge of public affairs, which I am sorry to say is upwards of half a century.

Lord *Brougham*: As my noble Friend has referred to me, I beg to set him right in his supposition that I questioned the legality of the act of the Court of Directors. My Lords, I did not question it; I was quite aware that there was, by the strict letter of the law, an independent power given, in very ample terms, to the Directors to recall any officer "at their will and pleasure"—such being the words of the Act. But I ventured to express my doubts whether any law so absurd as that had ever been suffered to exist on the Statute-book of any rational people; be-

cause, as my noble Friend has justly stated, while three only of the twenty-four Directors are by law allowed to know the instructions sent out, under the sanction of a solemn oath not to communicate them to any of the others; yet the whole twenty-four, by that extraordinary law, are entitled to act, as they could only be justified in acting if they had a perfect knowledge of all those communications—namely, to recall the Governor-General for acting on instructions which they knew nothing about, and for refusing to act on which he would be liable to be impeached, he being bound to obey those instructions. I therefore took the liberty of calling your Lordships' attention to this most anomalous law, and I was reminded by my noble Friend that it was renewed when I held the Great Seal. I then stated that it was renewed without consideration at the time, at all events without discussion; while my noble Friend, not now in his place, talked of it as if it had been the subject of a very grave and solemn deliberation. I had no recollection of that; I was quite confident my noble Friend was imagining the fact; and accordingly I have since looked into the very accurate report of those discussions which at that day, in the *Mirror of Parliament*, were given word for word in both Houses. Now, my Lords, it appears there was not a single word said about it in either House. I have looked into the Papers of the Correspondence between the Directors and the Board of Control, and there is not one single word said of it in these on either side; and I have looked into the debates of 1784, when Mr. Pitt first brought in the Bill containing this ill-omened Clause, for it was in that originally, and I find not one single word said on either side in either House on the subject of this extraordinary power. And for this reason, that before that Act the Court had the absolute power in its own hands, and all the debate arose on the limitations of that power, not on granting them any new authority. I verily believe it was left in one India Bill after another from a perfect persuasion that it would never be acted upon, but would remain a dead letter, unless some extraordinary emergency, some crisis of the fate of our Indian Empire, might render it necessary for the Directors to exercise this most anomalous and extraordinary jurisdiction. I quite agree with my noble Friend that this exercise was intended to be, not at the sport or caprice of individuals, or without grave reasons and most weighty and urgent necessity, the very statement of which should be its own vindication. Whether the Directors have acted on such grounds or not, I leave your Lordships to gather from the most weighty censure, the grave disapproval, which my noble Friend has, in the exercise of his duty, deemed it necessary publicly to give, with an authority which will be universal in this country, in Europe, and in India, wherever a name is known, and an authority is appealed to, which is as illustrious and as much enshrined in the greatest renown, of successful councils and successful arms, as any that can be found in either hemisphere of the globe. There is an appeal no doubt, but I do not expect that any one will be so venturous as to call on either House of Parliament to pronounce their approval, I would almost say their patient bearing, of the proceeding which we are now discussing. I believe if any proposition were made in either House of Parliament for a vote approving of this extraordinary proceeding, that it would be met by as triumphant a debate, and as decisive a majority against it, as any ill-fated proposition ever met in either House of Parliament. It will be for my noble Friend opposite and Her Majesty's Government, in the exercise of their sound discretion as administering the Government, and as Peers of Parliament or Members of the other House, to consider whether enough has now been done in order to convey to India the decision that the policy—the brilliant and successful policy—of my noble Friend the Governor-General has met with the entire sanction and approbation of the Parliament of this country. If they do not think it necessary to take any further step in the matter, I shall not. But if any attempt be made to obtain the sanction by Parliament to the course pursued by the Court of Directors, there is no hazard, I think, in predicting what the fate of such an experiment will be.

The Marquess of *Clanricarde*: If we were now discussing the extent of power conferred by the Charter of the East India Company, I should venture to express my dissent from the opinion pronounced by my noble and learned Friend (Lord Brougham). Nor can I think my noble Friend as accurate to-night in his recollection of facts as I have generally known him to be. It may be true there was no discussion in Parliament as to the power of recall by the Directors of the East India Company; but

in the negotiations which took place in 1833 between the Government and the East India Company, this power is most distinctly and directly adverted to, and the proposition made by the Government of the day to limit this power within narrower limits was after much discussion and deliberation withdrawn. But that point is not what we have now to consider; and, unfurnished as we must all necessarily be with the information requisite for the discussion of such a topic as that adverted to, I should certainly not have risen, if it were not for what I must take leave to call the somewhat extraordinary speech of the noble Duke. Without any notice whatever—without our being in a position in any way to judge of the justness of his strictures, the noble and illustrious Duke—relying on that undoubtedly high authority which everything that falls from him carries with it—has pronounced a most grave censure on the conduct of the East India Company. My noble and learned Friend (Lord Brougham) next rises, and challenges any Member of Parliament to call in question the propriety of the censure pronounced by the noble Duke, or to ask a contrary opinion from either House of Parliament. Why, my Lords, how are we to judge at present of the propriety of this censure? What knowledge have we of the circumstances which induced the East India Company to take this unexpected and strange step, and what right have we to suppose—with all precedents leading to a contrary conclusion, this power never having been exercised by the Company up to this time—that it has now been exercised without just and extraordinary reasons? The noble Duke stated, and my noble and learned Friend repeated the assertion, that the Directors must be necessarily ignorant of the instructions under which the Governor-General acted, with the exception of the Secret Committee. But must we not suppose that this Committee, being elected by the Directors, is constituted of men in whom the Directors have confidence, and must not the decision of the Committee influence and guide the opinions of the Directors? The noble Duke told us (what was indeed known to the public) that this step was at a former time in contemplation, but that the influence of Government prevented its being then carried into effect. Why, my Lords, what a censure is this on the Government of this day, when we know that a great majority of the Directors consists of persons who are in general most favourable to the views of the present Government. These Gentlemen cannot be supposed to have acted as they have done except on the gravest consideration, and they cannot have refused, except for the most cogent reasons, to listen to the advice of Government; nay, after what has passed to-night, it seems they persisted in their resolution in defiance of the recommendation of Ministers—and of this resolution, allow me to say, we know nothing, except what we have learned to-night, and we now hear it has been under consideration seven or eight months. The noble Duke illustrated the injudicious exercise of the power of the Directors by stating the difficulties that might have occurred if that power had been exercised sooner. Why, does not the fact that they took so long a period for deliberation show that they listened with calmness, forbearance, and patience to whatever argument could be urged against the exercise of a power with which they were entrusted for the well-being of a great empire? The noble Duke has said that the Papers relating to Gwalior must have been read with general satisfaction. I think it a little unfair to have entered upon any discussion of this subject, when my noble Friend (the Marquess of Normanby), who has given notice of a Motion on the subject, has, for the present, withdrawn it; but if my opinion be asked, I, for one, must say that, looking at the Papers generally, relating to that and to other wars great in extent, great in loss of life, and great in the consequences which must result from them, I have not read those Papers with satisfaction, because I have the misfortune to feel convinced that every good object which has been attained by the gallantry and ability of our troops, could have been attained without the bloodshed that has occurred. I am not going to argue that point now; but when an opinion has been expressed on one side, I thought it right to say that the House was not unanimous in it. All sides, I thought, concurred the other evening in the opinion that such discussions should, for the present, be postponed until Lord Ellenborough's arrival, unless Parliament should at once be called on to take some decided step in the matter. After what has now passed, I feel no hesitation in asking the noble Duke whether it is the intention of the Government to lay on the Table any communications which may have passed between the Board of Control and

the East India Company upon the recall of the Governor-General?

The Duke of *Wellington:* I am not able to answer at once the noble Lord's question. All I can say is, that Parliament is entitled to every information that can be afforded on this subject, and, of course, shall have it. With regard to the observations of the noble Marquess, I beg leave to say, that I stated no more than I thought necessary in answer to my noble Friend's question. I indulged in no exaggerated statements whatever. I stated all through, that the Directors were open to the charge of an indiscreet exercise of authority, and I said sufficient to prove that that term was not misapplied. I believe the majority of those who heard me did think that I made out a case at least of indiscretion. As to what I stated with respect to what has passed heretofore, I believe the noble Lord does not differ much from me that this is the first instance of the exercise of this power by the Court of Directors, and that though often attempted with other Administrations, the Board has been in the end induced to recede from their intentions. I never had an intention of speaking in the name of this House, or of Parliament, or in the name of the noble Marquess, in respect of any approbation I expressed of the transactions recited in the two volumes of Reports presented. I said these transactions had my own approval and that of those around me, without at all answering for the opinion of other noble Lords, or in particular of the noble Marquess who has given notice of a Motion on the subject of Gwalior. When that Motion is made, I shall be ready to discuss my noble Friend's conduct in all its parts, and I think the result will be that the House will concur in the satisfaction which I have experienced as to the conduct of those important affairs.

The Marquess of *Normanby:* As the noble Duke has been good enough to except me from the terms of approbation which he expressed as to the conduct of Lord Ellenborough, and as the few observations which I intended to make have been far more ably and effectively put by my noble Friend (the Marquess of Clanricarde), I now only rise to express my regret that the noble Duke has not been able to say at once that he would lay the Correspondence asked for before Parliament; for having witnessed on all occasions the fairness and candour of the noble Duke, and above all, in the case of those exercising responsible functions, against whom charges were preferred, and who had not an opportunity of defending themselves, I was satisfied, that after the charge he made of want of proper discretion against the Court of Directors, he would have given your Lordships and the other House an immediate opportunity of judging how far the censure which came with such weight and authority from him, should be justly borne by men who certainly had no predisposition to take this step, and who, to judge from their general political learning, must have been most unwilling to fly in the face of Government as they had done. And when the noble Duke, by way of explaining the "indiscretion" of the Directors, referred to something which had originated some months back, I think your Lordships must have felt that indiscretion had been displayed in some quarter; but I am sure your Lordships did not feel that it rested exclusively or peculiarly with the Court of Directors. I must repeat that I cannot understand the justice of giving to parties, responsible for the exercise of political functions, the power of appointment, without giving them also the power of withdrawing the person appointed.

Lord *Brougham:* The power of appointment is in the Directors, but subject to the approval of the Board of Control.

The Marquess of *Normanby:* Yes: but what did that prove, but that the consent of two parties was necessary to the appointment. The person appointed must have the confidence of the two parties and when the confidence of one party is withdrawn, the appointment naturally becomes null. My noble and learned Friend says, that it is the same as if either House were to cancel an Act passed by the Parliament; but surely there is the greatest distinction between an Act of the Legislature and the appointment of an individual. When an Act is passed, the Clauses are known, for a specific purpose which is not likely to undergo any change; but when an individual is appointed, you have no means of knowing what his actions may be. The Court of Directors were parties to Lord Ellenborough's appointment; they had since found reason to change their opinion. They notified to Government last year that they should be obliged to take the step they had now taken; and when the Papers are laid on the Table it will be for your Lordships and Parliament to judge whether their discretion has been properly exer-

cised. The matter has been brought to this point;—By whom have the Court of Directors been forced to take this which is deemed an extreme step, and one so embarrassing to Government? I regret that the noble Duke has thought it necessary to pass an encomium on those parts of the conduct of the noble Lord, now no longer Governor General, which there will be an opportunity to discuss when he is present; but which I expressedly declared the other night I do not wish to bring forward, as I do not wish to discuss them in his absence. The noble Duke is certainly an incontrovertible authority as to the manner in which an army should be collected and furnished; but if I were obliged to face even so formidable an opponent I think I should have proved that the proceedings in Gwalior were carried on either in ignorance of the grounds on which Lord Ellenborough ultimately acted, or that the true grounds of his conduct were not fairly stated. I allude particularly to the Treaty of Boorhampoor. In justice to my own views on this question, I have thought it right, after the encomium of the noble Duke, to state thus much.

The Duke of *Wellington*: The noble Marquess has a perfect right to deliver his opinion. All I can say is, that Her Majesty's Government have pronounced their entire approval of the conduct of the Governor-General.

The Duke of *Buccleuch* wished to remark, with respect to the question of the right of veto, that that question had been under the consideration of the Ministers of the Crown when the East India Company's Charter was renewed. He held in his hand a letter signed "Charles Grant," addressed to the Court of Directors in 1832, in which the then President of the Board of Control spoke of "not desiring to insist on the memorandum to which the Court took some objection," and which memorandum secured to the Government the sole privilege of recall. The Government conceded to the Company all the privileges they exercised under their previous Charter, of which this right of recall was one. Under these circumstances, there could be no doubt that this right of recall vested in the Company had been with the Government of 1832 a matter of serious consideration.

The Marquess of *Clanricarde* asked if the noble Duke quoted from Papers which had been laid before Parliament?

The Duke of *Buccleuch* replied in the affirmative.

The Marquess of *Clanricarde* said, that he had referred to the Papers laid before the East India House, which gave much more copious details of the proceedings respecting the Charter than those laid before Parliament.

Lord *Brougham* said, that there could now be no doubt that the subject had been under the consideration of the Government, but certainly he never was consulted upon the subject, although he was in the Cabinet and on the Woolsack, and he was not aware of there having been any controversy upon the point. He found that Government did see the impropriety of the arrangement, and he found that they and his noble Colleagues at that time did take an objection to it, and, that in consequence of that objection, a correspondence took place. He supposed that it being imagined that the East India Company were bad traders but good governors, the matter was allowed to remain, in the hope that they might prove better governors than they were traders; but the result had disappointed the expectation. That the veto was to be exercised by both parties to the appointment, and that, therefore, the moment one of them changed his mind, or saw reason to repent of the appointment, then the appointment was to cease, was liable to the same objection as if the Crown were to have the power of repealing an Act of Parliament without the consent of the two Houses, because it had refrained from exercising the veto. He thought that anything more inconvenient could not well be imagined than that two parties should join in appointing to a responsible office on the other side of the globe, and that either of those two parties should at any time put an end to the appointment. He was ready at any time to discuss the question and give his opinion.

Lord *Campbell* could not help regretting that the noble Duke had thought proper to pronounce, on this occasion, such a heavy censure on the Directors of the East India Company. The noble Duke should be aware that what fell from him had very great weight; and he was sure that all who heard him and all who would read what had fallen from him must come to the conclusion that he strongly condemned the conduct of the East India Directors. It might turn out that they were to blame, but at present the censure was altogether

premature. Their Lordships were ignorant of the circumstances under which this recall had taken place. The noble Duke had informed the House that the Directors had accompanied their intimation of the recall with the reasons on which they acted, but with regard to those reasons the noble Duke had been entirely silent. They might be of paramount importance; they might be such as would persuade all reasonable men that it was the imperative duty of the Directors to recall Lord Ellenborough without a moment's delay. He thought it was hardly fair, speaking with the most profound respect to the noble Duke, to suppress those reasons, and, suppressing those reasons, to proceed to pronounce the heavy censure which he had pronounced on the conduct of the East India Directors. The noble Duke had contented himself with pointing out that this law never should be acted upon; for, according to the reasons of the noble Duke, the Clause which had been introduced into the Act of 1784, so anxiously repeated in every Statute since, and to be found in the Act of 1833, was a dead letter; it never could be acted upon. He would remind the House that this Clause was brought forward in 1784, and it was considered by Mr. Pitt, and by every succeeding Minister, that if you were to preserve the East India Company at all, the Clause was indispensable. It might be fit and proper to abolish the East India Company, and to vest all dominion directly in the Crown; let there be no such thing as a Court of Directors, but if you had a Court of Directors entrusted with such powers as they had, it was indispensably necessary they should have the power of recall. They alone appointed, subject to the control of Government. If they appointed, the person appointed was their servant, and they must have the right to recall him; and so anxiously was this provided for in the Act of Parliament, that there was a distinction between the case where the appointment was by the Directors, and where it was by the Crown. The noble Duke was well aware that it was provided that if the Directors did not appoint a Governor, the Governor might be appointed by the King, and then there was no power of recall in the Directors. Did not this show that the Legislature proceeded on the ground that where the Company appointed, they should have a superintendence and control over the servant whom they had appointed? But it was said by his noble Friend that it was impossible this power should ever be acted upon, because the Directors did not know the instructions that were given; but was it not possible there might be acts of folly, fantastical proceedings, violent proceedings, which it was impossible any Government could have sanctioned or given the slightest countenance to? Might there not be occasions when it was impossible that any Governor General could be acting under the instructions he had received? If he published a proclamation that caused mirth and ridicule all over the world, was it possible the Government at home could have dictated the proclamation? If he relied on a Treaty that had been superseded for many years, was it possible he could have received instructions from home to make that Treaty the basis of his operations? He apprehended that the necessity for this Clause had been anticipated by Mr. Pitt, and had been felt by every subsequent Government, because it was felt that if the East India Company continued, there might be Governors General who might give great dissatisfaction in India, and give great dissatisfaction to the Government at home—who might censure their acts, but still persist in keeping them. It was anticipated that although it might be many years before such a contingency might arise, yet that in progress of time there might be a combination of circumstances which might render this power vested in the East India Company essential to the safety of the Empire.

House adjourned.

HOUSE OF COMMONS,

Monday, April 29, 1844.

MINUTES.] BILLS. *Public.*—3° and passed: — Bailiffs of Inferior Courts.

Private.—2° Malan's Naturalization; Figge's Naturalization; Rother Levels Drainage.

Reported.—Bow Brickhill Estate; Wells Lighting and Improvement; Spartali's Naturalization; Lascardi's Naturalization; Salisbury Branch Railway; Northern and Eastern Railway.

3° and passed:—New Quay Harbour and Railway.

PETITIONS PRESENTED. By Mr. Thomas Duncombe, from J. B. and W. A. Miller, and Macclesfield, against Registration of Voters (Ireland) Bill.—By the same from Beasfield, and Macclesfield, for Universal Suffrage.—By Mr. W. Miles, from Bedminster, for a Convocation of the Clergy.—By Sir J. Easthope, from Maryport, against Dissenters Chapels Bill.—By Mr. J. Bailey, from Brecon (2), and Mr. Acland, from Somersetshire (3), for Alteration of Ecclesiastical Courts Bill.—By Mr. Goring, from a Deanery in Sussex, for a Bishopric at Manchester.—By several hon. Members (50 Petitions), for Legalizing Presbyterian Marriages (Ireland).—By Mr. Alderman Copeland, from Shelton, against Grant to Maynooth College,

and for Suppression of Monasteries.—By Sir R. H. Inglis, from Powden, for Amendment of Parochial Assessment Act.—By Mr. Gregory, from Dublin, against Roman Catholic Clergy Conveyances Act.—By several hon. Members (29 Petitions), against Union of Sees of St. Asaph and Bangor.—By Mr. Hope Johnstone, from Dumfries (2), Colonel Arbuthnot, from Tourdoun, Sir G. Clerk, from Cupar, and from Lochmaben and Weem, against Abolition of Tests in Scotch Universities, and by Mr. Fox Maule, from Moray, for same.—By Mr. Scholefield, from 7 Anti Slavery Societies, and by other hon. Members, against Encouraging Slave Labour Produce.—By Mr. Octavius Duncome, and other hon. Members (49 Petitions), against Repeal of the Corn Laws, and by Mr. Divett, from Collumpton, for Repeal of same.—By Mr. Hastie, from Paisley, and Mr. M. Philips, from Manchester, for Repeal of the Cotton Duties.—By Mr. Blackstone, from Berks, Mr. Hussey, from Wilts, Mr. Yorke, from Cambridge, for Repeal of Stamp Duty on Hailstorm Insurances.—By Mr. Thomas Duncombe, from W. B. Taylor, for Amendment of Law of Poor Rates.—By Mr. Ewart, from Dumfries, Mr. Greene, from Lancaster, Mr. Hindley, from Ashton-under-Lyne, Mr. Stansfield, Huddersfield, for Reduction of Tea Duties.—By Hindley, from Ashton, Mr. Hindley, from Westminster (4), for Reduction of Tobacco Duties.—By Viscount Duncan, from Bath, for Repeal of Window Tax.—From Salford, for Relieving Licensed Victuallers from Window Tax.—By Sir James Graham, from Manchester Law Association, for Alteration of Inferior Law Courts Bill.—By Mr. B. Baldwin, from John Cook, Esq., for Protecting the Rights of the Bank of England (Bank Charter).—By Mr, Thomas Duncombe, from Aberdeen, for Alteration of Law of Blasphemy.—By same, from Nottingham, for Alteration of Commons Inclosure Bill and for Mitigation of Sentence on Thomas Cooper.—By Captain Carnegie, from Messrs. Keen and Hand, for Compensation (County Courts Bill.)—By Mr Mainwaring, from Ruthin, and Captain Plumridge, from Penryn, in favour of County Courts Bill.—By several hon. Members (22 Petitions), in favour of Limiting Hours of Labour (Factories Bill).—By Mr. J. Bailey, and Mr. Ord, from Worcester, and Newcastle, for Abolition of Imprisonment for Debt.—By Mr. O. Morgan, from Wales (3), for Establishment of Local Courts.—By several hon. Members (5 Petitions), against Masters and Servants Bill.—By Mr. Mackinnon, from Leeds, for Alteration of Metropolitan Buildings Bill.—By Mr. Hope Johnstone, from Dumfries, and Mr. Fox Maule, from Moray, for Alteration of Parishes (Scotland) Bill.—By Mr. Acland, from Wellington, and Mr. O. Stanley, from Anglesey Union, for Alteration of Poor Law Amendment Bill.—By General Morrison, from Inverness, against Prisons (Scotland) Bill. —By Sir P. Egerton, from Birkenhead, and Sir H. Douglas, from Liverpool, against Rating Owners of Tenements, and by Mr. Acland, from Wellington, Mr. Chute, from Norfolk, and Mr. W. Miles, from Clutton, in favour of same.—By Mr. Thomas Duncombe (8 Petitions), for better Regulation of Tailors' Trade.—By same from E. Macarthy, for Alteration of Theatres Regulation Act.

THE BRITISH MUSEUM.] Mr. *M. Milnes* wished to put the question of which he had given notice, to the right hon. Baronet (Sir R. Peel), respecting the new façade of the British Museum. He wished to know whether the plan proposed had been definitively agreed upon?

Sir *R. Peel* said, that he considered there never was any architectural plan which had received more mature consideration than the present, and the decision of the trustees had been always understood to be final and complete. So long ago as 1822, a Resolution was moved in the House that no plan for the British Museum should be proceeded with on the mere consent of the trustees, but should be referred to the Lords of the Treasury. In 1823, the Lords of the Treasury had approved of the present plan, and not only that, but it had received the implied sanction of two Committees of the House in 1836 and 1838, but that the consent of Parliament should be had. In 1823 all the trustees had approved of the plan now in course of being carried into execution. The plan had been submitted to Committees, one in the year 1836 and one in 1838, and it received the implied sanction of both. Some courses of stone had actually been laid according to the plan, and no deviation from the plan could be made without causing considerable expense; under these circumstances he trusted the hon. Gentleman would see the necessity of not disturbing a plan which emanated from a most eminent architect, and had received the sanction of the Lords of the Treasury, and subsequently of two Committees of the House of Commons.

RECALL OF LORD ELLENBOROUGH.] On the Motion to read the Order of the day for a Committee of Ways and Means.

Mr. *Roebuck* said,—Sir, I wish to call the attention of the right hon. Baronet at the head of Her Majesty's Government to certain recent occurrences. On Friday last the right hon. Baronet startled the House by the answer which he gave to a question put by the right hon. Member for Edinburgh, as to the Governor General of India. It must be perfectly clear that the determination of the Directors of the East India Company will be attended by the most important consequences; and I am the more anxious to solicit the attention of the right hon. Gentleman, from the circumstances which I understand attended the determination of the Directors. On Wednesday next a despatch will be immediately forwarded from this country to India, which will arrive in a short time, from the increased expedition with which the journey is now performed, and on the receipt of that despatch from this country the noble Lord now at the head of the Indian Government ceases to be Governor General. On the receipt of that despatch, the administration passes to the hands of the next senior officer in that country, and a change takes place in the Executive Government. The question I wish to put now is this—who is now to be respon-

sible for the Government of India? I wish to know whether the Government of the country is to be considered responsible, or the parties who have ordered the dismissal of the Governor General? I want to know that from the right hon. Baronet (Sir R. Peel), if an answer is not inconvenient; and I should be sorry to put the question if the answer is as I have not given the right hon. Baronet notice of this question, although he was not perhaps wholly unaware that I was about to put this question to him. I would not put the question, were it not for the pressing nature of the subject. In two days a despatch will be sent from this country which must alter the nature of the Government in India, and any body who knows anything of that country knows that the moment that despatch reaches it, from Cape Comorin to the Himalayas, the greatest commotion will be created. ["*Order.*"] I have been subjected to this species of opposition and interruption so often, that I begin to think there is some meaning in it. I am now, upon reading the Order of the Day for a Committee of Ways and Means, which involves the consideration of everything interesting to the state of the nation consistent with Parliamentary usage, asking a question of the Prime Minister, so that I am perfectly in order, and I am astonished to see so old a Member as the hon. Gentleman opposite (Sir R. Inglis) make so trifling and unfounded an interruption. I was about to remark, that any one who knew anything about India must be aware that the reception of such news would strongly affect the minds of the native powers, from Cape Comorin to the Himalayas. Now, nothing might turn out more dangerous to our dominions in India than the effect of such a despatch, and I am anxious to know from the right hon. Baronet at the head of the Government, whether he is prepared to maintain the policy hitherto maintained by the person representing the Government in India; and, if he thinks the Administration responsible for the government of India under such extraordinary and anomalous proceedings, I wish to learn whether the right hon. Baronet is prepared, on the present occasion, to take the responsibility of the consequences resulting from the determination of the Directors of the East India Company.

Sir *R. Peel* said,—I did not know that the hon. Member intended to put the questions on the important subject to which he has referred, and I should certainly have wished for a little time to consider the subject. In the first place, the hon. Member has referred to the provision of the existing law which provides for the government of India. The House is aware that the relations of the Government with regard to the Administration of affairs in India are extremely anomalous. The respective functions of the Government and the East India Company are not very well defined. The Crown and the East India Company has each certain powers, but with regard to the nature and extent of those powers, I must refer to the Acts of the Legislature. The East India Company possesses the power of appointing the Governor General of India, but that power can only be exercised subject to the approbation of the Crown—which approbation is signified under the Sign-Manual, counter-signed by the Secretary of State. That is the exact provision of the law with respect to the appointment. The appointment is made, under ordinary circumstances, by concert and mutual understanding between the Government and the East India Company; but the letter of the law is, that the right of nomination is with the East India Company, subject to the approbation of the Crown. The right of the East India Company to remove the Governor General without the concurrence of the Crown, is, I apprehend, unquestionable. In the Act of 1833, which comprises the Charter of the East India Company, and extends it for a certain time, there is a proviso that nothing in that Act shall be construed in any degree to diminish or interfere with the power of the Board of Directors to recall the Governor General of India. Now, all that I am at liberty consistently with my sense of public duty, to state on this occasion, is, that the Court of Directors have, in the case of the removal of Lord Ellenborough, exercised the right which they unquestionably possess, under an Act of the Legislature, to recall, and dismiss, at their will and pleasure, the Governor General of India. The determination to recall has been taken by them on their undivided and exclusive responsibility. The act of recall is an act which has not received the sanction and concurrence of the servants of the Crown, but without that sanction or concurrence the act unquestionably is a legal and a valid

act. With respect to the question of the hon. Gentleman, whether Her Majesty's Government considers itself responsible for the government of India, I must, under present circumstances, decline entering into any discussion of that question. All I can say is, that with reference to the fact whether Her Majesty's Government do or do not coincide with the Court of Directors, their sense of public duty will induce them to take that course which shall appear to them best calculated to diminish the risk of embarrassment and danger which they forsee from the act of the Court of Directors.

Sir *R. Inglis* had risen to order when the hon. and learned Gentleman was addressing the House, because, though it was very natural that this question should be asked, he did not think it right to introduce the whole question of Indian policy upon a Motion for reading the Order of the Day upon some other business, and without giving notice.

Mr. *F. French* : By the answer which the right hon. Baronet has given, he leaves upon the country an impression that he has been taken by surprise by the Court of Directors. I wish to ask, therefore, whether notice were not given by the Court of Directors of their intentions to the Government?

Sir *R. Peel* thought he had not said a word from which any hon. Gentleman could infer that the Government had been taken by surprise. The Government most certainly was not taken by surprise; but they had had the opportunity of stating their views to the Court of Directors, who had certainly given a fair and full consideration to the representations of Government, and had furnished ample information of the intention of the Court before taking the step in question. He was always anxious to give every information in his power to the House, but upon a transaction so recent, and with respect to communications which had not yet been drawn to a close, he trusted he should not be considered acting disrespectfully if he declined anwering any further question upon the subject.

The China Compensation.—Mr. *W. Williams* said that, before the Chancellor of the Exchequer proceeded with his exposition of the Ways and Means, he should beg leave to ask the right hon. Gentleman to explain how it was that money was borrowed upon Exchequer Bills, to pay the Opium Compensation, whereas the revenue of the last year exceeded the expenditure by a very large sum?

The *Chancellor of the Exchequer* said that in the course of the financial statement he was about to make, he should have occasion to explain the point adverted to by the hon. Member. Last year he recommended that these charges should not be included in the Ordinary Expenses of the year. The amount of the Opium Compensation was 1,200,000*l.*, and the expenses of the war 800,000*l.*, making in the whole 2,000,000*l.*, which would be repaid by the Chinese Government, and from that fund the Exchequer Bills (as we understood) would be paid off. The loan was made for the double purpose of paying the compensation and defraying the expense of the war.

Mr. *Hume* said his hon. Friend was not aware that the Chancellor of the Exchequer, in order to have a surplus income last year, had borrowed the sum of two millions upon Exchequer Bills. Had his hon. Friend consulted him upon the subject, he could have explained the matter to him. His hon. Friend, however, was quite right in putting his question. He was aware that last year the Chancellor of the Exchequer did explain this matter, and the late Chancellor of the Exchequer pointed out to the House the cheat that the Chancellor of the Exchequer was then putting upon the public. But he perfectly understood at the time the money was borrowed, that it was to be paid as soon as the remittances from China were received.

Reduction of the Debt.] Mr. *Williams* said, he had another question to put to the right hon. Gentleman. He had been informed that a very large amount of money had been laid out by the Commissioners for Reducing the National Debt in the purchase of Consols. He understood that something like from 150,000*l.* to 200,000*l.* per week had been expended for some time past. He wished, therefore, to ask how much money had been laid out by the Commissioners for the Reduction of the National Debt since the commencement of this year, on account of Surplus Revenue, on account of Savings' Banks, and on account of money received for the purchase of Government Annuities?

The *Chancellor of the Exchequer* said, he was sorry that he could not give the hon. Gentleman the figures he required at the moment, not having had the slightest expectation that the question was about to be put to him. He would be, however, perfectly ready to give the hon. Gentleman the required information to-morrow.

Order of the Day read.

THE BUDGET.] House in a Committee of Ways and Means.

The *Chancellor of the Exchequer:* Sir, the Motion which I shall have the honour to put into your hands will be for an amount of Exchequer Bills required for the exchange of those Exchequer Bills which will come in the ordinary course of business to be exchanged in the course of the next six weeks. I think it advisable to avail myself of this opportunity of bringing under the consideration of the House that view of the financial condition of the country which the House has an undoubted right to expect, and is always anxious to receive at this period of the year. It will be in the recollection of the House that when, in the course of last year, I had occasion to make a similar statement, there was, on the part of some hon. Gentlemen, an expression of great anxiety as to the actual state and future prospects of the country. We were told that the country was labouring under the severest distress, and depression, and that notwithstanding the imposition of heavy additional taxation the year had closed with a deficiency of revenue. The explanations given by the Government with regard to the deficiency were not deemed satisfactory, and there were those who argued that a similar deficiency would be observable in the coming year. On my own part, I was not disposed to indulge in rash expectations as to future prosperity, but I took the liberty of stating to the House that there were to my mind in the state of the country at the time I was addressing them, indications of improvement, which led me to anticipate a revival of industry and an extension of commercial enterprise; and that that revival and extension would of course lead to an improvement in the financial condition of the country. I am happy to announce—and I am sure those hon. Gentlemen who took an opposite view of this question from me, will participate in my feelings of satisfaction—that the views which I then entertained have been since realised, and that the gloomy anticipations which my estimates on that occasion called forth, have turned out to be groundless. I am anxious, Sir, not to enroach unnecessarily upon the time of the House, and I, therefore, will not detain you by further prefatory observations. I will proceed at once to state the Revenue and the Expenditure of the past year, and then will lay before you my Estimate of the Income and Expenditure of the coming year. It will be necessary, however, before I do so, to call the attention of the House to the situation in which we stood when this question was last before us, and more particularly to explain to the hon. Member for Coventry the particular circumstances with respect to the China opium debt and the debt to the East India Company, on account of the war with China, to which the hon. Member has adverted. The appearance of those items in the balance-sheet of the year has created in the minds of those not conversant with the subject the difficulty under which the hon. Gentleman seems to labour. It must be borne in mind, that the balance-sheet comprises all the actual payments made within the year, and all the monies received within the year. Therefore, on the one side, necessarily appear the 2,000,000*l.*, which has been paid to the East India Company and the opium claimants, and on the other side is the sum of 2,000,000*l.*, which has been borrowed for those two objects. But the House will recollect, that in the estimate of the finances of the year I excluded those two items, and stated the reasons which induced me to do so. And the hon. Member from Montrose, will, I doubt not, recollect that I was then charged by him with having done so for the purpose of making the appearance of a surplus when there was no surplus in fact. The estimate which I made of the Public Income during the course of last year has undoubtedly been very greatly exceeded. I stated at that time to the House, that after the depression we had been sustaining, and the disappointment of three years' expectations with respect to that income, I had endeavoured to make my statement of such a character that at all events it should not err on the score of being beyond what was likely to be produced. The error which I committed indeed, lay quite in the contrary direction. The estimate which I then made of the amount of revenue from the Customs for the year to come was 19,000,000*l.*, taking as my guide the Customs of the preceding year, after deducting what had been received for corn. But the amount received

for the past year has been 21,426,000*l.*, instead of the 19,000,000*l.*, at which I estimated it. This arose in a great degree from the following circumstance. I had not anticipated that there would be any considerable importation of corn; that article, however, has produced 800,000*l.* I speak in round numbers, in order to save trouble to the House. A further sum, beyond what I anticipated, was produced by the great improvement in the wine duties, arising from the termination of those negociations which had so long paralysed the trade. The amount derived from this source was 350,000*l.* Other items of the Customs show that a general improvement has taken place in the condition of the country. The most remarkable items in this increase are the duties upon sugar, amounting to 200,000*l.*; upon tea, to 300,000*l.* in excess of the estimate—both being satisfactory indications of the revived power of consumption on the part of the labouring population of the country. Lastly, there has been an augmentation of the duties on cotton wool, amounting to 200,000*l.*, an indication of increased activity in that department of industry on which the happiness of so large a portion of the manufacturing population of this country depends. In addition to these items, which make together a very large proportion of the excess on the Customs revenue, there have been several minor articles, which have exhibited, generally speaking, a uniform augmentation, keeping pace with the extension of our commerce and the greater employment of the population. The estimate which I made with respect to the Excise has turned out to be as accurate as it is possible for an estimate to be. It was 13,000,000*l.*, and the amount which the Excise has yielded is 12,900,000*l.* That, therefore, appears to me to call for little observation, further than this, that as upon all the leading articles of the Customs there has been an increase of revenue, so on all the different articles of Excise, also, there has been an improvement, not equally early, but as surely indicative of the improving state of the country. In the year ending with the last quarter, as compared with the year ending with the preceding quarter, there has been an increase on every article, both of Excise and Customs. The House will therefore perceive what the increase has been, and that it is hitherto progressive. With respect to the Stamps, the calculation which I formed is, as nearly as possible, accurate. My estimate was 7,000,000*l.*: the amount received has been 7,011,000*l.* The estimate for the Assessed Taxes was 4,200,000*l.*; they have produced 4,192,000*l.* The only observation which I have to make on this branch of the revenue is this; that there was an apprehension expressed that the effect of the imposition of the Property Tax would lead to a considerable diminution in the other taxes, and especially in the Assessed Taxes. But it will be found, from a comparison of the receipts with the estimates, that those anticipations have not been realised, and that there has not been that degree of pressure which was expected, from the imposition of the Property Tax on those on whom it was supposed that it would fall most heavily. With respect to the Post Office, I am happy to say that the increase from that source exceeds the amount of the calculation which I made by 28,000*l.* The estimate which I made was 600,000*l.* The receipts have been 628,000*l.* With respect to the Crown Lands, there has been a similar result. The revenue from that source I estimated at 130,000*l.*, the receipts have been 147,000*l.* The Miscellaneous Estimates I calculated at 250,000*l.*, the sum produced has been 268,000*l.* The China money I estimated at 870,000*l.*, the amount received has been 803,000*l.* The total result is, that the Revenue which I estimated for the year at 50,150,000*l.* has produced an Income of 52,835,125*l.* being an increase to the extent of 2,700,000*l.* beyond that at which I calculated it. With respect to the Expenditure of the Country, it will be found that my estimate has not been exceeded. In the charge for the Debt, there is a difference of 50,000*l.*, but that is a casual reduction arising from the amount of annuities which have fallen within the year. The estimated expenditure on account of the Army for the year was 6,619,000*l.*; the actual expenditure, as appears by the papers which have been lately in the hands of hon. Members was 6,118,000*l.*, being a reduction of about 500,000*l.* in the military expenditure of the country. But it would be unfair in me if, in stating the expenditure at the actual sum, I were to leave the House under the impression that it has been possible during the year to save that sum. The difference arises from another cause; it arises principally from this, that in the course of the year that is passed the India Company made large payments on account of the debt they owed to the Crown for different military services which the Crown

had discharged, and also from the further circumstance that, tranquillity being restored, there has not been the same necessity for keeping funds in the commissariat chests abroad; and drafts upon this country have been rendered unnecessary, by applying part of the cash in the military chest to the current expences of the Army. The expences in the course of the year, as compared with the estimates, are reduced therefore by 500,000*l.* The reduction on account of the Navy is not to be taken as a reduction of the expense, for in that service, as is well known to every one, the payments are made at uncertain periods, which it would be impossible to calculate upon; and therefore it cannot be said within a given time what payments may be required for the naval service. It turns out, however, that, as my estimate was in error with regard to the amount of revenue that was likely to be received, and actually produced 2,700,000*l.* more than I had calculated, so, also, by the decrease in the expenditure to which I have adverted, my estimate has been subject to another error, leading in the same direction, and, consequently, 650,000*l.* less has been expended than I calculated would have been required when I made my statement to the House last year. Taking this sum, therefore, it will appear that (I having calculated upon a surplus of 700,000*l.*) the total surplus arising on the year will have been a sum of no less than 4,165,000*l.* It will be in the recollection of the House that, at the close of last year, I had to announce to the House the fact of a very considerable deficiency of income to meet the expenditure, amounting to upwards of 2,400,000*l.*; and, having stated to the House that I believed that that deficiency was rather an apparent than a real one, I recommended to the House to make no provision whatever for the payment of that deficiency, not to raise money by loan for the purpose of getting rid of it, but to leave it to be defrayed out of the surpluses of future years, as circumstances from time to time might allow; and I am now most happy to announce to the House that the deficit for the last year, amounting altogether to 2,749,000*l.*, has been cleared off and discharged out of the produce of the revenue for the present year; and, after the discharge of the debt incurred in the course of last year, will enable me still to present to the public a surplus exceeding 1,400,000*l.* on the 5th of April just passed. So that, I think, as far as the year now elapsed is concerned, the House will agree with me, that the statement is satisfactory. We will now proceed to the consideration of the Estimates, and the prospects for the year upon which we have entered. [Mr. *J. Collett:* "What is the amount of Income Tax?"] The amount of Income Tax which has been collected, is 5,356,887*l.*, a sum larger than the estimate I made, in consequence of a larger arrear in Scotland than I was aware of, which has been brought into the account. The estimate for the Income Tax will be 5,100,000*l.* Now, Sir, in making the estimate for the year on which we have entered, I adhere to the rule which I laid down for myself on a former occasion, and that is not to be betrayed by too sanguine an expectation into making estimates which the future may not, perhaps, bear out I, therefore, content myself with taking the Customs at very little more than the amount they have actually produced in the course of the last year. I take them at 21,500,000*l.*; and, remembering, that in the course of the last year we derived 800,000*l.* from corn, and as it is uncertain at this period of the year what may be the state of the harvest in this country, I have thought it better to take the estimate of the probable increase of the Customs as not greater upon the whole than what they will produce without the assistance of the revenue derived from the importation of corn. I take the estimates of the Customs, therefore, at 21,500,000*l.* From the accounts which I have been enabled to derive from those who are best conversant with the affairs of the Excise, I do not apprehend that there will be just grounds for fixing the Excise at a higher rate than that at which I estimated it for the year just gone by, namely, 13,000,000*l.*, which will be the amount of my estimate. I take the Stamps at 7000,000*l.*, the Assexed Taxes at 4,200,000*l.*, the Property Tax at 5,100,000*l.*, which is about the amount it will produce in a year. I add to these the Post Office, which I take at 600,000*l.* only, for this reason—the revenue of the Post Office made some progress in the course of last year; and I doubt not that in the course of the ensuing year it will, in a similar proportion, make a certain progress in the next; but at the same time, there are several arrangements making at the present moment with respect to the postage of foreign letters, and particularly, negotiations are going on with foreign countries, in reference to the conveyance of letters in those countries,

that will necessarily lead to an increase in the expenditure. I will not, therefore, take the Post Office estimate on the whole at a higher sum than 600,000*l.* The Crown Lands I take at the same amount as last year—viz. 130,000*l.*, and the Miscellaneous Estimates at 250,000*l.*, making the estimate, therefore, amount to 51,790,000*l.* With respect to the Expenditure of the country, the first thing the House will naturally expect me to direct its attention to is the payment required on account of the National Debt. That payment within the last year was 29,132,784*l.* I take the payment for the present year at 27,697,000*l.* But it is necessary, in stating this, that I should guard the House against the delusion of supposing that there really was this decrease in the expense of the National Debt. The difference in what will be paid in the present year as compared with the year just expired is 1,400,000*l.*, but the House will be in error if it conceive that that is altogether a saving of expense. It arises principally from this cause. The House will remember when I recommended a reduction of the Three-and-a-Half per Cents that I suggested, with the view of equalising the payments that were to be made in the different quarters, that the new stock, which was previously payable in January and July, should be made payable in April and October. The consequence, therefore, is, that by paying up to October only what has been reduced, we pay in the present year one quarter less interest upon that stock than we should have had to pay if it had been to be paid in the ordinary course. The quarter will fall due in April in the succeeding year, consequently the sum to be paid this year is not a saving on the present year, but only the postponement of a payment. The real diminution of the Debt in the present year will be one half the benefit derived from the reduction of the Three-and-a-Half per Cents., or 313,000*l.* I am anxious to impress this upon the House, lest it might think that the surplus is greater than it really is by 1,100,000*l.*; if, however, they bear in mind that this is a postponed payment, they will take a view of the subject which will lead to a correct result. The charges for the year, therefore, on account of the Debt, and the charges on the Consolidated Fund, amount to 30,097,000*l.* [Mr. *Hume*: Does that include the Exchequer Bills?] It includes the Exchequer Bills and the interest thereon. The Estimates for the year have been for the most part already before the House, and the House is sensible that there has been, not a considerable, but a certain reduction in the total amount for the year—a certain reduction as compared with the year preceding,—a reduction which I am far from saying is carried to the extent which, if peace and tranquillity continue, the House has a right to expect; but it is carried to the utmost point to which at this present moment, upon a most careful review of the circumstances of the country, I believe it is practicable to be carried with safety and propriety. With respect to the Army, the estimate for the present year will be 6,616,868*l.*, being somewhat less than the previous year. The estimate for the Navy is 6,250,128*l.*, instead of 6,382,000*l.*; and in that sum there has been an extra provision made for works of great national importance. The Ordnance estimate amounts to 1,840,064*l.*, and the Miscellaneous may be calculated as before, at 3,000,000*l.* That, Sir, will be the "ordinary" expenses. But there are some "extraordinary" expenses to which I must call the attention of the House, and which it appears to me necessary that the House should be aware of as swelling the expenditure for this year. The first item of this description is one connected with the late hostilities in China. The papers I presented to the House in the course of last year carried the account up to a period of six months short of the time at which the winding-up of the accounts and claims of the East India Company takes place; and though I have not yet been able to obtain from that country an account of the sum that will be absolutely required to meet the outstanding expense, yet I think upon the best calculations which I can make, founded on the expenditure of antecedent periods, that I must necessarily calculate upon having to pay the East India Company a sum not far short of 400,000*l.* on account of the balance of that expenditure, and I have accordingly included that sum in my estimate of the expenditure for the current year. Another item of expenditure that we are called upon to defray is one arising out of the Measure which I had some time since the honour of submitting to the consideration of Parliament. I mean the reduction of the Three-and-a-Half per Cents. The House will bear in mind the large amount of Debt upon which we at that moment operated; and I am bound to return my thanks to the House for the cordiality with which it

expressed its approbation and supported the views I took on that occasion, and which I believe mainly contributed to produce the happy results which have ensued —namely, a saving to the public of a considerable sum of money, with, I believe, the almost universal satisfaction of the parties who are interested. It was naturally to be expected that there would have been a considerable body of dissentients who would have required to be paid off. That expectation, I am happy to announce, has been falsified; and, considering the amount of the Debt which is affected, the number of those who dissent is extraordinarily small. With respect to those who have not assented in England, the amount of their stock is only 60,994*l.*; and in Ireland 13,280*l.*; and with respect to the holders of the stock of 1818, the amount held by the dissentients is but 172,841*l.* The total extent of the dissentients, therefore, upon a question involving the conversion of 250,000,000*l.* of stock, amounts to the trifling sum of 247,115*l.* Of this a certain portion may be expected to be in the hands of persons who are resident abroad and in the Colonies, and who may within the time limited avail themselves of the opportunity of signifying their assent. Now, Sir, it has been customary in effecting former reductions of this nature, where the amount to be paid off is considerable, to raise money by loan for the purpose of paying off that amount; but I think, considering the small amount of the charge to be defrayed—considering also the state of the revenue—that on every account it is desirable that we should make provision in our annual charge for a sum necessary to pay off these dissentients, and I therefore propose to take in my estimate a sum of 250,000*l.*, which I conclude will be about sufficient to defray the charge, and will consequently form an item of the expenditure which I have now to lay before the House. There is another matter, Sir, which requires some immediate expenditure, which, as it is likely to result in future and beneficial economy, I am also anxious to provide for in the course of the present year. The House is aware that in the year 1815 an engagement was entered into with the South Sea Company that they should continue to receive an annual interest from the Customs, together with an annual payment from the country, on account of their establishment until the guarantee fund of that society was completed. The history of that society I need not go into at any length. I may shortly state that it was originally invested with peculiar and extensive privileges connected with trading to the South Seas; that those privileges were repealed by the Act 55 George III., to which I have referred, and that by that Act they were assured that they should receive from the public an addition to the capital of their stock, as the price of the surrender of their privileges, equal to one-sixth of the stock which they at that moment possessed, being about 610,000*l.* In order to provide for the formation of this guarantee fund a sum was annually paid by the Customs to the Commissioners for the reduction of the National Debt, and invested with a view, in the process of time, to its accumulation and discharge. That has produced about 300,000*l.*, and there is now a deficit of about 239,000*l.* required to make up this guarantee fund, for which the public are, in fact, paying an interest of 11,868*l.* a year. But, Sir, there are other advantages beyond this saving of interest which may result to the public from making an arrangement at present with the South Sea Company. So long as the Funds were low, it was, in fact, nearly impracticable to make any useful arrangement with the Company, which might relieve the public from those extraordinary charges which they paid to the Company for the management of the debt that had been entrusted them to pay, for whatever terms you might have made with the proprietors of that stock they could only have been made upon the condition on which that stock was created, and they would have been entitled to demand from the Crown the full amount of 100*l.* for every 100*l.* of stock which they possessed when a new arrangement was contemplated with them. And, therefore, so long as the Funds were at a lower point than that of par, so long was it impracticable to effect that further reduction which, in the event of funds continuing at par, may be beneficially adopted. Therefore, I think it is important to put ourselves in such a position that, if the opportunity should offer for effecting this further reduction, we may be able to avail ourselves of it; and I recommend, therefore, to the House to make provision for the payment of the remainder of this guarantee fund, by which we may save an immediate amount of interest, and, moreover, lay the foundation of a future considerable saving. 239,000*l.* is the amount of the deficit. The total amount of the Expenditure for the year,

therefore, will be, for the "ordinary services" I mention 17,707,000*l.*; and for the "extraordinary," to which I have latterly adverted, 839,000*l.*, making a total of 18,546,060*l.*; which added to the interest of the debt—viz., 30,097,110*l.*, will leave the total Expenditure for the year at 48,643,170*l.* Deduct this sum from the amount of the Income which I have already stated at 51,790,000*l.*, and (subject to that reduction for the Debt which I have before alluded to) it will leave an apparent surplus of 3,146,830*l.* From this, however, is to be deducted that portion of the Debt which will really become payable in the course of the next year, and which amounts to 769,900*l.*; thus you will have the estimated surplus for the current year at 2,376,930*l.* In a country like this, Sir, where every one has the means of informing himself with respect to public affairs, it was to be expected, that the result of this year's] Revenue and Expenditure should have been generally anticipated. In consequence of that anticipation I have undoubtedly been assailed by communications from various parties in this country recommending to me, upon the strength of a surplus, that there should be large reductions of taxation upon almost every article of consumption. These representations are pressed eagerly on behalf of those who pay a small proportion of the taxes, but with redoubled vigour on behalf of those who contribute in the greatest proportion towards the revenue of the State. I can assure those hon. Gentlemen, many of whom are now present, and some of whom I have had the honour of seeing upon the subject of these statements, that nothing would be more gratifying to me than to yield to that which is always a popular course; and, in answer to those applications, surrender a portion of the revenue of the country. Nothing would be more agreeable to my feelings if I could feel it consistent with my duty to make those large and general remissions of taxation which have been recommended to me from various quarters. But when considering the remission of taxation, I must consider also the nature of the funds out of which that remission is proposed to be made. I must beg the House to bear in mind, when it is stated we have in hand at the end of the present year a surplus revenue of 2,370,000*l.*, that that surplus is not the permanent annual excess of the regular revenue over the constant expenditure of the country; but that it is the result for one year of the receipt of the revenue of the country over the expenditure incurred in that year; that it is a fund on which we may rely for the present year, but must not calculate on it as of constant and annual recurrence. The House will also bear in mind that this surplus fund has been produced by the imposition of an extraordinary tax imposed in 1842, and which, having produced upwards of 5,000,000*l.*, is the main source of the surplus which I have this evening had to announce. I will now call the attention of the House to the circumstances under which this tax was imposed. It was imposed at a period when] for several years the revenue of this country had failed to equal the expenditure, and there was consequently a necessity for great exertions to make the revenue sufficient to bear the necessary charges of the country. It was imposed also with another object—to give relief to the trading and commercial interests of the country, by reducing the amount of taxation on a variety of articles, and by trying a great experiment—namely, whether, by immediate reduction and relief, we might not bring round the revenue in a short period to the same amount as before the reduction was affected. It was imposed therefore with the double object of supplying during an interval the previous deficiency of the regular revenue of the country, and giving time for the reduced duties to recover and become as productive as before the reduction. With that view it was stated by my right hon. Friend (Sir R. Peel) as his opinion, that the endurance of that tax for five years was calculated to answer the proposed object. [*Hon. Members*: "No no; for three years only."] My right hon. Friend stated five years, but he took the tax for a shorter period. He took it for three years; and he did it on this ground—that if at the expiration of that period the result which he anticipated at the end of five years should have occurred, the] House should have an opportunity of exercising their discretion whether they would continue the tax for the remaining period, or would take another mode of affording relief to the Country. Sir, I have no hesitation in saying, that at the present moment I cannot form an estimate of the result of the reduction of duties which was made in 1842. Undoubtedly if we look at the list of articles we may see that increased consumption has taken place upon almost every one of

them. Of thirty-three of the principle articles on which the duty was lowered, there are but five in which the consumption has at all decreased, there being an increase, more or less, on every other article. When I consider this, therefore, I am sanguine of the ultimate and not very distant success of the experiment. But the House must bear in mind, that on some of the main articles of trade, owing to the necessity that arose of giving indulgence on account of stocks in hand, particularly of timber, the reduction did not come into full operation until the middle of last year, and therefore the experiment was not fairly tried until that period. I am not, therefore, enabled upon so short experience of the result to conjecture what may be the result, and still less what view the House may be disposed to take in the course of next year. In that year, the Property Tax will necessarily again come under consideration, and it will be for the House then, upon consideration of all the circumstances, to determine what course they will pursue with respect to its continuance. Such being the circumstances, I think it must be obvious to every one that I should not act a becoming or even an honest part, were I to induce the House on the present occasion to consent to large reductions of duties, which could only have the effect of preventing Parliament from coming next Session to an unfettered judgment on this subject; because if that reduction so far diminished the Revenue of other branches, the House would have no alternative but to continue the Property Tax, or to take refuge in national insolvency. These are some of the reasons which have induced me to think that this is not a period at which the House ought to entertain the proposition of reducing to any considerable extent the taxation of the country. But there is another reason which, even independently of the Property Tax, would have operated on my mind to induce me to pursue the course I have recommended. We have, as the House is well aware, for a series of years been exposed to the misfortune of having a deficiency of Revenue as compared with the Expenditure. That deficiency continued for six successive years, and although in the course of the present year, we have been able to clear off the deficiency of the last, we are still suffering from the consequences of those of the previous five years. These deficiencies of income were in a great degree met by drawing largely from the balance in the Exchequer, and reducing it below the amount necessary for the exigencies of the country. When I addressed the House last year the balance in the Exchequer was only one million; but from additions in the present year, the balance has risen to two millions three or four hundred thousand pounds. When, however, the balance in the Exchequer was only one million, what was the state of the account with the Bank? Two millions seven hundred thousand pounds were drawn in anticipation of the Revenue, and in addition there were nearly five millions deficiency bills issued, on which we had borrowed money to pay the public creditor the interest to which he was entitled. I therefore think we should not act wisely, nor honourably nor safely if we did not make some efforts in time of recurring prosperity to place the balance in the Exchequer in such a state that when the period for payment of the dividends arrives, the demand on the Bank and the issue of deficiency bills may be brought within some limited compass, or, at all events, that the Government may be so far independent of that assistance as to have at its disposal a considerable portion of the sum required for the quarterly expenditure. The April quarter is at all times one in which there is a great pressure on the finance, and henceforth that will be greater in consequence of the additional payment on account of the National Debt to be made in that quarter for the purpose of equalizing the different parts of the year. Consequently it will require larger balances in the Exchequer to enable the Government to act, to a certain degree, independently of the Bank, in the conduct of the financial affairs of the country. So strongly do I feel the importance of this, that even if there were no question coming on next year, involving the continuance of the Property Tax, I should, on this ground alone, think that I was not acting the part of an honest man, or a conscientious Minister, if I forbore to advise the House to apply the surplus of the present year in augmentation of the balance in the Exchequer. I feel confident that on this subject, the House will not be backward to act on the principle which it so readily recognised on a former occasion. I cannot forget that when I brought forward a short time since the proposition for reducing the Three-and-a-Half per Cents., the House at once cordially concurred in the prin-

ciple not to relieve ourselves at the expence of those who are to come after us. Sir, it is on that principle that I now call upon the House not to give themselves that temporary relief which we might derive from a large remission of taxes, but while they have the opportunity, to place the finances of the country on a footing which will enable them hereafter to follow their inclinations and give relief to their constituents without endangering our credit or affecting the payments which we are bound to make on account of the country. Such, Sir, are the reasons which have induced me to resist the large demands for a reduction of taxes which have been made upon me from various quarters; but at the same time I have felt that there are certain items of taxation, not large in amount, but important in their consequences, to which our attention may be drawn without the danger to which I have adverted. With respect to these, therefore, I shall propose either partial reductions, which, within a limited period, may be presumed to repay the country for the temporary loss of revenue, or total reductions, which will be calculated to remove great impediments to trade and industry, and thus increase other sources of revenue. The articles I propose to submit to the House for this purpose are of various degrees of importance. In the first instance I will mention one which forms part of our Excise Revenue. I allude to the regulations respecting glass. I have had applications to repeal the whole of the glass duty. That is not the course I am about to pursue, but I think that there is one portion of the duty on glass which may be repealed with advantage to the trade and without any serious loss to the Revenue. What I allude to is the present differential duty between flint glass and bottle glass. The present duty on flint glass is 2*d.* a pound, and on bottle glass ¾*d.* a pound; but if either of these articles is exported, it is entitled to a drawback equal to the amount of the duty. In order, however, to guard against fraud, the law enacts that no one shall receive a drawback upon flint glass exported unless it be of the value of 5*d.* a pound. This is necessary, because if the drawbacks were allowed on inferior glass, the drawback claimable on flint glass would be paid on bottle glass, and the public would be thereby defrauded. Now, owing to modern improvements, our glass manufacturers are able to make it cheaper than 5*d.* a pound; and, therefore, because they must either lose the drawback or make it of the value of 5*d.* a pound, they are excluded from making cheap glass for the foreign market, or go there in disadvantageous competition with foreign manufacturers, who are able to bring into the market glass of inferior value. There is also another reason. The same improvement in the manufacture which has enabled them to make flint glass cheaper has also enabled them to make bottle glass better, so that it is difficult to distinguish which class it belongs to, and consequently disputes continually arise, whether it should receive the one duty or the other drawback. Having stated these circumstances, I think the House will agree, that the differential duty should be removed, and that flint and bottle glass should pay the same duty. I find this can be effected at the limited expense of 45,000*l.* a year; in the present year it is only 35,000*l.* It is proposed, therefore, to take off the differential duty, and leave the duty on these two kinds of glass at ¾*d.* a pound, that the reduction shall take place from the 5th of July next, and that our manufacturers shall have power to bond their glass in the interval, so that they may avail themselves of the reduction of duty without the necessity of applying for repayment. There is another article to which also I wish to call the attention of the House, with a view to a repeal of the duty—it is the article of vinegar. [*A laugh.*] The mention of such articles naturally excites laughter, and is the subject of ridicule on the part of those who are not quite aware of the bearing they have on the manufactures of this country. But being obliged myself to look into these points, I am not to be deterred by such considerations from dealing with them. With respect, then, to vinegar, this is not the first time it has been brought under the consideration of this House. If hon. Gentlemen will read the Report of the Excise Commissioners as far back as 1833, they will find that this, among many other small Excise Duties, was recommended to be repealed. The rate of duty upon vinegar appears to have been reduced from 4*d.* per gallon to 2*d.* in the year 1826, the average annual produce of the duty prior to 1826 having amounted to 46,301*l.*, whilst the produce in the last year (1833) was 23,850*l.*, for the due collection of which a code of regulations, established by the

58th Geo. III. c. 65, was in operation; in reference to which the Commissioners observe that

"It is difficult to conceive on what grounds it could have been considered necessary to provide for the collection of so small an amount of revenue by a series of provisions of so complicated and vexatious a nature. The Act in question contains twenty-nine Clauses, the infringement of any one of which is punished by penalties varying from 100*l.* to 500*l.*, and amounting altogether to 2,500*l.*"

The circumstance of vinegar being used by calico-printers, and that our manufacturers would consequently be benefited by the repeal of the duty, as well as the benefit which the public will thereby derive from the reduction in price in an article of such general use, are adverted to by the Commissioners as additional arguments in favour of the repeal of the duty. This was the opinion of the Excise Commissioners in 1833 and the following years. The House will observe also that vinegar only pays duty when it is made for sale, and therefore, as in the case of the former beer duty, it falls on the labouring classes, who have not the means of making vinegar for themselves, and are obliged to purchase it from the manufacturer, while those who can best bear the tax are exempted. It appears also that the Revenue has but little increased in amount since the period I have referred to; and, under these circumstances, I think it is a tax which undoubtedly ought to be repealed. Acid of a peculiar kind is essential in some manufactures, particularly in calico-printing; and in order to give the manufacturer an advantage, the law provided, in the following peculiar language, that "Pyroligneous acid, in a crude, impure, and unrectified state, might be made without payment of any duty at all." This, at the time was a considerable concession, because the manufacturers then used pyroligneous acid in the state which the Act described. But, as the discoveries in chemistry and manufactures progressed, it was found that it was better to use it rectified and purified, instead of using it in what might be called its Parliamentary state. The consequence was, therefore, that they became obliged to pay the duty on the purified acid, being essential to their manufactures. Considering, therefore, that the amount of revenue is only 25,000*l.*, I think the House will not consider this an improper reduction. The next article is one of more considerable importance, both as regards the commerce of the country and the amount of revenue derived from it. I propose to the House a considerable reduction of the duty on marine insurances. I apprehend that by making a considerable reduction, we shall not, after a short period, lose much revenue. To those who know the nature of marine insurance it must seem obvious that it should centre itself in Great Britain, it is a branch of business requiring a large amount of capital on the part of those who conduct it, and perfect confidence in the honour of those by whom it is transacted. If there be any country in the world which furnishes these requisites beyond another, it is Great Britain. Yet, notwithstanding this, marine insurance has been for some time past on the decline in this country—the duty was originally imposed in time of war, and was during the war on three successive occasions, raised to a large amount. At that time it was only in this country that insurances could be effected with safety; and this circumstance of course rendered marine insurance a fit subject of taxation. For some time after the peace, and while the country was suffering under the heavy contributions for the war, there was no alteration of duty; but in the year 1834, a proposition was made by Lord Althorp, who, acting on the principle on which I am now acting, proposed to reduce the duty on marine insurances by one-half, and Lord Althorp, at the same time, calculated upon the loss of a corresponding amount of revenue. But these calculations were disappointed; for in two years after the reduction was made the duty on insurance rose to the amount which it had previously attained. This rise, however, was mainly caused by the reduction of duty inducing a greater number of British subjects to make insurance the subject of their attention rather than from taking away from the foreign insurances any part of that trade which had grown up since the war. By returns of the amount of insurances effected abroad it is clear that the home business is in a disadvantageous position. I believe the trade with respect to marine insurances in foreign countries has rapidly increased. Hamburgh, for instance, insures under a small duty; and this enables that town to insure a great deal of property. But if we look at our insurances we find the amount of duty has decreased; and I can only account for this decrease in England, and a corresponding increase abroad, by attributing both circumstances to the operation of our heavier duty. One peculiar circum-

stance makes the duty heavier now than at antecedent periods. I refer to the fact of insurances on steam-vessels being less than insurances on goods by sailing-vessels. Therefore those shorter trips from France, Holland, or Germany, and the neighbouring countries, where the insurance is small, are particularly exposed to the disadvantage of the present comparatively high duty. It is necessary, then, with a view to revenue, and also to secure to this country the advantages of this trade, to make a considerable reduction in the present amount of duty by altering the scale of rates as they now exist. The present scale is, for every 100*l.* insured, where the premium does not exceed 15*s.*, a duty of 1*s.* 3*d.* is charged; and when the premium exceeds 15*s.* and is under 30*s.* per cent., then 2*s.* 6*d.* is charged; when the premium is above 30*s.* a duty of 5*s.* is imposed. I propose to make some variation in this scale. I propose that for every 100*l.*, when the premium does not exceed 10*s.*, the duty of 3*d.* shall be imposed.

	s.	*d.*
For every 100*l.* insured, where the premium is above 10*s.* and not exceeding 20*s.*	0	6
Exceeding 20*s.* " " 30*s.*	1	0
Exceeding 30*s.* " " 40*s.*	2	0
Exceeding 40*s.* " " 50*s.*	3	0
Exceeding 50*s.* " " 60*s.*	4	0
Above 60*s.*	5	0

Time risks as at present.

The difference to the Revenue which I think likely to arise from these alterations in the first year will be about 130,000*l.*, but I think on the data which we have arising from the previous alteration, I am justified in believing that after the change has taken place we shall find an increased disposition among foreigners to insure in this country, and thus if we do not reap advantage in point of revenue, we shall, at least, reap the advantage of an increased trade in this branch of commerce. There will, also, be some trifling alterations in the article on stamps, or agreements which are particularly exorbitant, and the duty on proxies for voting on railway companies will undergo some alteration, but I did not think it necessary to take these small matters into the account of Revenue or trouble the House with any calculations concerning them. The next articles to which I shall advert are articles connected with general consumption. The first of these articles is currants. At present currants undoubtedly produce a considerable revenue, but there are many arguments in favour of a reduction of the existing duty which appears to me to have great weight. Besides the amount of Revenue obtained from this article, I am of opinion that it is entitled to consideration on account of the countries which produce it, and which owing their wealth and prosperity mainly to the article in question. The price of currants is 40*s.* at present, and the duty is 22*s.* Now what are currants? They are but small grapes; but they enter largely into the consumption of the lower and working orders of society, and afford them a luxury which is most agreeable to them, and is also conducive to good health. Raisins are also grapes, but they are, perhaps more generally consumed by the more wealthy classes, and on raisins there is only a duty of 15*s.* per cwt. I therefore propose to reduce the duty on currants from 22*s.* to 15*s.*, being the same duty as on raisins. Sir, there is another argument also in favour of this reduction—currants are the main produce of the Ionian Islands, whose intimate connection with us affords an argument in favour of our promoting their interest by promoting that branch of industry from which their resources are chiefly derived. Those which do not come from thence come from Greece; and whatever may be said of that country in other respects it must at least be confessed that it treats Great Britain, as regards commercial intercourse, with the most perfect fairness. For these reasons—and I could mention others if it were necessary—I think we are justified in making a sacrifice even of 90,000*l.* of revenue, which is the amount which I calculate will in the first instance be lost on this branch of the Customs, on behalf of those classes of society who look upon this article as a luxury, but who are now in a great degree debarred from its consumption by the price at which it is sold. The next article to which I would call the attention of the House is that of coffee. The House will recollect that when the general arrangement of duties took place in 1842, the distinctive duties upon foreign and British coffee were fixed at 8*d.* and 4*d.*; that is, there was duty of 8*d.* upon the one, and 4*d.* on the other, and that extent of discriminating duty being extremely large, with respect to the value of the article on which it was imposed, was only maintained on the ground that we were then engaged in negotiations with Brazil, which made it extremely difficult and injudicious at that time to reduce the duty on foreign coffee to the amount to which we should have thought, under other circumstances, it

ought to have been reduced. I think it right, therefore, to avail myself of the opportunity which the termination of those negotiations has given me, to recommend the House to reduce the duty on foreign coffee from 8*d.* to 6*d.*, leaving a protection in favour of colonial coffee which I am satisfied, from the best examination that I have been able to give the subject, will secure the fullest admission of coffee for consumption in this country, without injury to the interests of the colonies. The effect of the high duty has been greatly to reduce the amount of foreign coffee consumed in the course of last year—indeed, nearly 30 per cent.—for the reduction has been from more than 11,000,000lbs., to something more than 9,000,000 lbs., and it being most important to extend the use of a beverage which is a great luxury to the poorer classes, and which at the same time that it is a luxury to them, supersedes those other beverages which are prejudicial to their health and morals—I therefore take this opportunity of calling the House to place the differential duty on this article upon a footing which will admit of its most extensive use. At the same time it appears to me, that it is but justice, that concurrently with this alteration, a provision should be introduced into the Customs Bill, increasing the duty on chicory root. In consequence of the reduction of the duty on that root in the last tariff to 1*l.* per cwt., chichory root has been introduced to a great extent—it is ground in this country, and mixed with coffee. I do not say that the coffee is deteriorated by the mixture, for that is a matter of taste; but the Revenue has been defrauded to a great extent in losing the duty upon the coffee, for which the root has been substituted. From these changes in the differential duties, I calculate that the loss will not be more than 50,000*l.* There is only one other article to which I have to advert, and many may consider it as the most important of all—I mean the duty upon wool, which I propose to take off altogether. Upon the merits of that particular question, it cannot be necessary for me to enter at present. In two successive Sessions they have been ably detailed to the House by the hon. Member for Halifax, who has taken the greatest pains with that department of trade. And, Sir, I may here say, that when I have resisted the claims which were alleged for the reduction of this duty, I did so only on account of the necessity of keeping up the Revenue; and I never denied that wool was a raw material of the utmost importance to the manufactures and trade of the country; and that it was of great importance to admit it freely, even for the sake of British wools, for the purpose of enabling them to be worked up. I never concealed from myself that in the article of cloth there has been a considerable decline in our trade, although of late there has been a partial revival consequent upon the general revival of trade. There has been great competition between the British cloth manufacturer and the foreign cloth manufacturer; and the least advantage given to the English manufacturer, of course, would place him in a better position than the foreigner. Sir, I do not intend to follow the recommendation of the right hon. Gentleman opposite, of merely partially reducing the duty on wool; but I have thought it better to remit both the duty on export and import of wool, and to leave the trade open. That duty produced last year altogether about the sum of 100,000*l.*, and we must take that amount as the loss which will be sustained on that particular article. But I cannot avoid saying that, although we shall on the article itself sustain a loss, yet we shall give an additional stimulus to the industry of the community engaged in that branch of our manufactures likely to be benefited by this arrangement, which I believe will more than compensate for the loss we shall directly sustain. This is the last article upon which I propose to make any reduction. The total amount of reduction will stand thus for the present year:—

Glass	£35,000
Vinegar	12,000
Currants	90,000
Coffee	50,000
Marine Insurances	100,000
Wool	100,000

or in round numbers somewhere about 400,000*l.* is the whole amount of those reductions which can be made, and which I propose to make made on articles that will best allow of such a proceeding. Having made this statement to the House, I should, perhaps, here close my observations; but there is one other article, which though not immediately under the consideration of the House, yet as it must necessarily form at no distant period the subject of a separate discussion, and respecting which great anxiety exists to learn the intentions of Government—I refer to sugar—I should not act fairly towards this House, nor fairly towards the persons engaged in

the produce and sale of this article if I did not openly state the course I intend to pursue when I move the question of the sugar duties. The House will not think it necessary for me now, as I shall shortly bring the whole matter before them, to enter into the details. I will merely state the principle on which we shall proceed, and defer the details until the subject comes regularly before the House. I allude to the subject now, only because I know the immense importance to those connected with the growth and manufacture of sugar in distant countries, to be apprised before the next mail for the East goes out, what is the determination of the Government with respect to that article. Sir, the House is aware that the Treaty with Brazil will come to a termination in the month of November next, and with that Treaty with Brazil will terminate the right which Brazil now enjoys of importing her produce into this country upon the footing of the most favoured nation. The obstacle, therefore, which previously existed to the admission of sugar, the produce of free labour will expire by the conclusion of that Treaty in November next, which now enables Brazil to introduce her slave-grown sugar into this country on the footing of the most favoured nation. It is my intention, in moving the sugar duties, to recommend to the House, from and after November next, during the continuance of this Bill, to admit into this country at the differential duty at which we think it ought to be admitted, the sugar produced in those countries which are exempt from the taint of the slave-trade, and that do not raise sugar by means of slave-labour, or prædial slavery. By this means we shall throw open, under certain regulations, to countries eastward of the Cape of Good Hope, and which are capable of sending us a large supply, a valuable trade, and shall most especially encourage the growing commerce with China, with which country, hitherto, our relations have been extremely confined. And this will be done, without any departure from that principle we have hitherto maintained and acted upon in respect to the slave-trade—thus affording an additional supply of sugar, which will greatly add to the comfort of the people, and extending our trade with these sugar producing countries, and give an additional spur to the industry of colonies in which we have the greatest possible interest. In thus speaking of countries eastward of the Cape of Good Hope, I must impress upon the House that I refer only to such with which we have relations, and wherein the sugar is not raised by means of slavery. We must, of course, except those countries where the slave-trade and slavery still exist, for those are not included in our regulations. Sir, the differential duty which I shall propose on sugars from countries free from the taint of slavery will be 10*s.* per cwt. — that whereas British colonial sugars pay a duty of 24*s.* per cwt., the sugars from the countries I refer to shall pay 34*s.* per cwt. I am quite aware it may be said that although the Treaty with Brazil is brought to a conclusion there is a Treaty with another slave-holding country, the United States of America, which contains a similar clause to the other, and entitles America to the rights extended by us to the most favoured nation in the admission of her produce. Nothing can be further from my intention than to infringe in the slightest degree the letter of any engagement existing with that or any other country, but I think when we take the discussion on the sugar duties I shall be able to show that the sugar produced in the southern states of North America, is not calculated, from the circumstances of the country, to be brought into competition with the sugar the produce of free labour, which I have now been speaking of. It would be most satisfactory if the state of the Revenue admitted some arrangement to be made with respect to the sugar duties generally. But at present this proposition cannot be entertained with any hope of a satisfactory result. Until the expiration of that Treaty existing between this country and Brazil in November next, it will not be in our power to act upon a general and uniform principle with respect to foreign sugars. The effect of such an attempt now would be to paralyse the whole of the trade in that article. After that date it will be the duty of the House to take into its consideration at what rates of duty sugars of foreign growth and sugars from countries where slaves are engaged in their cultivation shall be admitted by us. In making these observations I beg to disclaim, on the part of the Government, any hostility to the particular state alluded to, or any intention to prejudice its commercial interests; and I trust that the proposed reduction of the duty upon coffee of the growth of foreign nations and countries, including that of Brazil, will be a sufficient pledge

of the sincerity of our intentions in that respect. As to the amount of such differential duty, I am only anxious that we should take such an amount as will give an advantage to our own and to free-labour sugar in the market over slave-cultivated sugar. I think I have now gone through such of the financial details of the last year as seem to me to be necessary for the present statement, and for comparison with the financial system of this year; and I trust that, without any arrogance, I may be permitted to congratulate you and the country upon the generally-improved condition of the country at this moment. I feel that we have strong reasons for congratulation in respect of that which is, of all that we have had to contend with, the most difficult, namely—the arresting the downward course of a continually increasing deficiency. Upon this circumstance I feel I may fairly congratulate the House and the public, as well as upon our having fulfilled the pledge given to the Crown, that we would use our utmost endeavours to equalize the Public Expenditure to the Revenue of the country, of which we have already witnessed the salutary effects produced upon the national credit. If, Sir, we shall persevere in following the safe course which I have ventured to recommend to you to-night, and, refraining from seeking any great and immediate advantages, take care to provide such an amount of Revenue as will suffice, not only to meet the annual expenditure, but also those occasional demands that arise from vicissitudes to which a country like this must be exposed, I sincerely believe that we shall, with the blessing of Providence, secure a long continuance of national prosperity and wealth, and promote the permanent interests and happiness of the people of this country. The right hon. Gentleman concluded by moving that there be voted to Her Majesty, for the service of the year, 18,740,300*l.* to be raised by Exchequer Bills.

Mr. *Hume* was not satisfied with the prospect of continued taxation held out by the right hon. Gentleman. With regard to the revenue, he did not wish such a large amount to be collected; he was rather of opinion that the lowest amount ought to be raised from the people. He was sorry to find the right hon. Gentleman use such language, when the revenue of this country was nearly the same as it had been for the last three years. To show, then, the cause of their financial difficulties, and the way they might afford relief, he would take the expenditure of the years 1835, 1836, and 1837, a period of peace. The aggregate cost of the Army, Navy, Ordnance, and Miscellaneous, in these three years, was 43,424,000*l.*, whilst in the last three years of 1841, 1842, and 1843, the amount on these heads was 55,500,000*l.* being an increase of 12,000,000*l.* The expense of the Army, Navy, &c., voted by Parliament, as shown by the Finance Acts, was as under:—

Year 1835 ended Jan. 5, 1836.		
Army	£6,406,143	
Navy	4,099,430	
Ordnance ..	1,151,914	
		11,657,487
Miscellaneous		2,144,345
		£13,801,832
Year 1836 ended Jan. 5, 1837.		
Army	£6,743,183	
Navy	4,205,726	
Ordnance ..	1,434,059	
		12,112,968
Miscellaneous		2,279,310
		£14,392,278
Year 1837 ended Jan. 5, 1838.		
Army	£6,521,716	
Navy	4,750,659	
Ordnance ..	1,444,523	
		12,716,898
Miscellaneous		2,514,030
		£15,229,927
Average of the three years, £14,474,679		
Year 1841 ended Jan. 5, 1842.		
Army	£6,418,422	
Navy	6,489,074	
Ordnance ..	1,815,132	
		14,722,628
Miscellaneous		2,927,660
Canada Insurrection	£117,153	517,153
China Expedition	400,000	
		£18,167,441
Year 1842 ended Jan. 5, 1843.		
Army	£5,987,921	
Navy	6,640,163	
Ordnance ..	2,174,673	
		14,802,757
Miscellaneous		2,959,757
Insurrection in Canada	253,344	1,356,273
China Expedition ..	830,008	
Army, Navy, and Ord. service	272,921	
		£19,118,788

Year 1843 ended Jan. 5, 1844.

Army	£5,995,156	
Navy	6,606,057	
Ordnance ..	1,910,704	
		14,511,917
Miscellaneous		3,279,364
Insurrection in Canada ..	25,300	441,356
China Expedition	416,056	
		£18,232,637

Average of three years, £18,508,866.

Average excess in 1841, 2, and 3, over 1835, 6, and 7, £4,028,276.

The late Government in 1837 and 1838 had by increasing the expenditure of the Army and Navy, managed to convert what had been a surplus revenue into a deficiency. He agreed in the propriety of the reductions of the taxes now proposed, for though small in amount, yet their collection was accompanied by a degree of vexation and annoyance far beyond the actual produce; but let them consider well the reduction of their establishments, and which had been increased during the last three years, and then they might get rid of the Income-tax altogether. The lowest amount of the establishments was in the year between 5th January, 1835, and 5th January, 1836, when they cost only 11,657,000*l.* That was the whole amount of the votes for Army, Navy, and Ordnance. The votes for those three items was now increased to 14,511,000*l.* or by 4,000,000*l.*, an increase against which he had always protested. The right hon. Gentleman might keep on the Income Tax if he would reduce an equal amount of other taxation. He wanted to take off the duty on soap, on paper, and on glass. If there were no excise duty on glass there was no branch of British manufacture which would rise more rapidly than the manufacture of glass. He hoped the right hon. Gentleman would consider the propriety of taking the duty off glass altogether. America imported glass into this country, and after paying the duty, could sell it at 20 per cent. less than our manufacturers. Bohemia, although the materials were dearer, could supply glass cheaper than this country could, and of much superior quality. The glass manufacturers of this country were prohibited by the Excise from making the experiments which they ought to be allowed to make; and with all the advantages which we possessed with reference to the materials for making the article, we were only a fourth or fifth rate country in the manufacture, and it was much to be regretted, that the duty was not entirely abolished. He could not understand the necessity of keeping up such an immence force in the Army, Navy, and Ordnance Departments. There was now a Standing Army of 100,000 men. There were at least 30,000 men in the Army, and the same number in the Navy, more than the country required. Ours was, in fact, a war establishment in a time of profound peace—a peace, too, which was likely to continue; and he would put it to the House whether the time was not come when this enormous establishment ought to be reduced, and the saving effected thereby applied to the repeal of the taxes on glass, soap, paper, and other articles of general use. Again, he would ask why the right hon. Gentleman had not included cotton wool in the list of articles, the duty on which he proposed to reduce. A treaty had been concluded by the United States of America with Germany, by which cotton was to be admitted into that country free of duty. This would certainly tend to injure the cotton manufacture of this country, and place us in danger of losing our markets. It was necessary to give employment to the people, and the only mode of doing so was to increase the manufactures and commerce of the country, and that could not be done but by repealing those restrictions which at the present moment lessened the ability of this country to compete with foreign states. The duty on marine insurance, notwithstanding the reduction proposed, would still be far too high; it ought not to be above 2*s.* 6*d.* per cent., varying rather, he would say, from 1*s.* to 20*s.*, or 2*s.* 6*d.* per cent. on foreign voyages. The import duty on vinegar was extremely high, it amounted to a perfect monopoly. The price of vinegar in this country was higher than in any other part of the world, and he did not think the reduction proposed by the right hon. Gentleman was sufficient. With regard to currants, he wished all the duty could be taken off an article which was considered almost a necessary of life; the reduction proposed, however, would be of great importance, and he felt confident that the right hon. Gentleman would not lose anything like the amount he calculated on, as there would no doubt be a

great increase in the consumption. As to coffee, he thought the proposed reduction was a very wise one. With reference to the sugar duties, it would be found, upon the evidence of a Committee up stairs, that many West-India proprietors had stated, that with a discriminating duty of 50 per cent. they might hope, provided, too, they could get a sufficient supply of labour, to keep the market; such was their notion of the protection they would require. The proposition not to admit the sugar grown in slave countries was a most mistaken view. Were they to say that they would not take cotton, rice, and tobacco, which were all cultivated by slaves, on the same principle? By such a determination they were quarrelling with the Brazils, and it was a matter of the most serious importance to the whole manufacturing population of this country, for they were about to exclude from the shores of Brazil 4,000,000*l.* of British manufactures; and this must produce an effect in England which did not seem to be sufficiently estimated. He, therefore, condemned the principle which the Government had adopted. Our goods would no doubt be charged by that country with double the rate of duty which would be imposed on the manufactures of France, America, and other nations; and he thought this was but the beginning of the evils which would result from our restrictive policy. The repeal of the duty upon the import and export of wool was certainly an important step; but the duty on wool only amounted to from 98,000*l.* to 100,000*l.*, whilst the import duty on cotton wool was 780,000*l.*; and surely the duty on that most important article ought to have been reduced. He hoped a further reduction would take place in the Army, Navy, and Ordnance Establishments, so that the Government might be able to take off the Income-tax, or remove some of the odious duties of Excise which pressed so heavily on the people. No country in the world had borne such heavy taxation with so much patience, and he trusted that some further effort would be made to relieve the people of a greater portion of the burthen which they had to bear.

Mr. *W. Williams* was greatly disappointed with the propositions which had been brought forward by the right hon. the Chancellor of the Exchequer, though he must admit the clearness with which the right hon. Gentleman had made his statement. After an increase of 8,000,000*l.* on the amount of taxation during the last four years, the right hon. Gentleman was only prepared to propose a reduction of 400,000*l.* He must say, that this was a result which afforded neither the right hon. Gentleman nor the country any ground for congratulation. He had expected that the right hon. Gentleman would have made extensive reduction in the duties on numerous articles which entered into the consumption of the working classes—duties which had more than once been admitted in that House by the Chancellor of the Exchequer to be unjustly levied, especially upon soap, sugar, tobacco, tea, and beer. These duties pressed more upon the lower than the higher classes. He would not now repeat that which he had so often stated on the subject; but he must observe, that experience proved in the present state of the finances of the country a very extensive reduction might be made in the duties upon those commodities, without any risk of a material diminution of the Revenue. He joined in the regret which had been expressed by his hon. Friend the Member for Montrose, that the article of cotton wool was not included amongst those upon which it was intended to abolish the duties. He expressed this regret because the right hon. Baronet at the head of the Government out of office had repeatedly admitted the impolicy of continuing the duty on cotton wool. His only justification in office for continuing it, being that the state of the Revenue could not afford its abolition. Of all other imposts, this he (Mr. W. Williams) held to be the most impolitic. He believed there was no other country in the world which imposed a tax upon that most important raw material—a material with which all nations aspiring to manufacture first made the attempt to compete with this country, and which in this country employed a larger capital and a greater number of artizans and labourers than any other branch of manufactures. The duty on this raw material last year amounted to 8 per cent., and this, coupled with the amount of freight, gave to America an advantage in manufacturing of not less than from 15 to 20 per cent.; an amount of great importance, when year after year it was seen that the manufactures of the United States were increasing. He (Mr. W. Williams) had also expected a reduction of the duties on tea—or at least an alteration of the present duty of 2*s.* 2*d.* into an *ad valorem* duty. At present the

same duty was charged upon the lower class of teas consumed by the poor man as was levied upon the better class of teas consumed only by the rich and wealthy. If the Revenue did not suffer from reduction of taxation, why should it not be reduced? If the House would look to the reduction of taxation which had been made from the year 1815 to the year 1836, they would see that it amounted to 28,500,000*l.*, and that during the same period there had been imposed new taxes amounting in round numbers to 6,000,000*l.*, leaving the amount of the reduction within that period 22,500,000*l.* And what had been the result of this upon the Revenue? In 1815 the Revenue amounted to 58,600,000*l.*, and in 1836 to 48,800,000*l.*, leaving only a deficiency of about 10,000,000*l.*, even after 22,500,000*l.* of taxes had been taken off. This was a most important consideration; for if the working classes could now be relieved of one-third their present amount of taxation in the same way, the matter was deserving the careful attention of the Government. It was perfectly clear and evident that the Income Tax was to be a permanent tax. The country had no hope held out in the statement of the right hon. the Chancellor of the Exchequer, of seeing itself relieved from that tax while the present Government maintained any thing at all approaching to its present expenditure. How did the question stand? The Income Tax had produced last year, according to the financial statement, 5,350,000*l.*; the balance of revenue over expenditure was 2,370,000*l.* This (supposing the Income Tax was taken off) would leave a deficiency of revenue to meet expenditure of about 3,000,000*l.* sterling. This, the country might take for granted, left no hope of the Income Tax being taken off. Therefore it was that he urged upon the Government that they ought to apply the surplus revenue in making large reductions in the duties upon those articles of consumption used by the working classes of this country. What were the circumstances of the country which now required an expenditure of 3,500,000*l.* more than was expended in 1835 in the three branches of expenditure —the Army, the Navy, and the Ordnance? If our expenditure in these branches of the public service was reduced to what it was in 1835, relief might be given from the Income Tax, which to many was so obnoxious from its inquisitorial character, especially as it affected trades and professions. If our expenditure in these three branches of the public service was compared with what it was in 1790, the difference was most striking. The Army, exclusive of the Commissariat Department, cost in 1790, 1,840,000*l.*; last year its cost was 5,984,000*l.* The Army, Navy, and Ordnance cost last year 17,700,000*l.*; in 1790 they cost 4,380,000*l.*, the cost last year being just four times more than it was in 1790. The whole expenditure of that year was 15,500,000*l.*, whilst last year it was 48,600,000*l.* If to this last amount were added the cost of collection, the amount of taxation taken from the pockets of the people would be 56,000,000*l.* sterling. After above twenty-eight years' peace, the amount of taxation had been last year greater than it had been during any year of the war, taking into consideration the difference in the value of money which was then a depreciated paper currency, now standard gold. What was their resource in case of war? They had no resource whatever, except a heavy tax of some kind upon property. They had dried up all their other sources of taxation. It was a consolation that the amount of the taxes received had not diminished; but he must say that he had not heard the financial statement of the right hon. Gentleman with any satisfaction.

Mr. *Bell* had hoped the right hon. Gentleman would have afforded some relief to a large portion of his constituents, who were engaged in the coal trade. He heartily wished the right hon. Gentleman had shown some compassion to the impoverished and suffering working population of the coal districts. The impolicy of taxing the export of coals was shown in the greatly increased consumption of coke abroad. If reference was made to the returns on the Table, it would appear that the deficiency in the export of round coals from this country, in 1843, as compared with the quantity of coals exported in 1842, amounted to not less than 480,794 tons. The deficiency in the export of small coal, exported in 1843, as compared with the quantity exported in 1842, was not less than 370,300 tons. This made a difference in profits to the coal owners of between 60,000*l.* and 70,000*l.* If they did not get rid of this duty altogether, within a short time, many mines, which were chiefly worked for foreign markets, would be thrown out of work altogether. Small coal bore the proportion of 33 per cent. to the round coal, and a large proportion of

this was now destroyed at the mouth of the mines, in consequence of the operation of this tax. At the period that this tax was imposed, the proportion of the small coal exported for the foreign market was greatly increasing, and if the tax was at once removed a large proportion of it would again be exported. The coal-owner was not the only person who suffered by this duty, for the shipowners felt its operation most severely, and it was notorious, that since the operation of this tax the freight of vessels in the north of England had fallen 2*s.* a ton. He was glad that his right hon. Friend had reduced and taken off some of the taxes which he had mentioned, but he confessed that he should have been much better pleased if he had taken off the export duty on coal, which pressed so heavily on the coal and shipowners, and which did not produce to the revenue above 80,000*l.* or 90,000*l.* a year. He trusted, that on reflection his right hon. Friend would still be able to make some arrangement, so as to take this duty off without delay.

Mr. *F. T. Baring* must ask the indulgence of the Committee in following the statement of the right hon. Gentleman as to the detail of his figures which it was difficult to comprehend merely on hearing him state them for the first time, and not having any documents before him. The right hon. Gentleman had apologised for the incorrectness of his estimates. It was scarcely necessary for a Chancellor of the Exchequer to apologise for an error of having promised too little. Last year, the estimate which the right hon. Gentleman made was considerably under the result, but this year his mistake was on the right side, and he had under-estimated the Revenue to a very large extent. Perhaps the right hon. Gentleman would permit him to observe that for some years back the calculations on which the Budget was founded had always found their way to the public papers, but this did not happen to be the case last year, and therefore some inconvenience had arisen. He trusted this would not be the case in the present year, but that the old practice would be resumed. In considering the financial state of the country, it was right to ascertain what would have been the state of the finances, supposing that no Income Tax had been imposed, and that the subsequent changes in the Tariff had not been made. He had framed this calculation, supposing the right hon. Gentleman had continued with the Revenue which was left him from the various resources existing in 1841; but of course his calculations might be liable to some error, as he had not all the information which he required before him. In the first place, for the state of the Revenue when the Income Tax was imposed he had taken the figures given by the right hon. Baronet, the First Lord of the Treasury. He should take the Revenue as stated by the right hon. Gentleman in 1842, supposing nothing had been done in the shape of imposing and altering taxes, as the groundwork of his calculation for the probable subsequent Revenue. This estimate, he had no doubt, had been framed with great care by the right hon. Gentleman, in conjunction and with the aid of experienced persons. Now, although this had somewhat failed in amount in the year 1842, yet it as a general estimate might be regarded as tolerably accurate, and, he might add, that it came close to the estimate which he had framed himself. The estimate of the Revenue was not exaggerated, and it was stated by the First Lord of the Treasury in his Budget Speech of 1842, 48,350,000*l.*, and if they added the Chinese money which had been received this year, and which amounted to 803,000*l.*, the Revenue would have been 49,153,000*l.* The actual Expenditure, as appeared by the balance-sheet amounted to 48,669,000*l.* being a surplus of Revenue of 484,000*l.* This would have been the result in the last year, supposing nothing had been done to affect the revenue as left by the late Government. With respect to the coming year, as far as he could make out the right hon. Gentleman's estimate the Expenditure of the year was put at 48,643,000*l.*, to meet this there would be the estimated amount as before of 48,350,000*l.*, and if there were no China money there would appear to be a small deficit; but his own feeling was that the Revenue would have risen from the ordinary sources. The right hon. Gentleman calculated it would rise during the present year, and this would have occurred without the imposition of the Income Tax, and to such an extent as to have left a balance over the actual expenditure of the year. He did not, however, mean to say, that the Government had not been called upon to make a movement in the state of the finances. He agreed that some movement was necessary; the Government were bound to raise a further sum to meet any

risk—the difference had been as to the manner in which the money had been raised. He was, however, satisfied that if the Income Tax had not been imposed, the Revenue last year would have been so great as to have left a surplus; of course, in saying this, he went upon the presumption that the reduction of duty had not been made in many of the chief articles in the Tariff. While dealing with this subject he would ask for some information on one of the leading alterations of duty made in 1842, and on which the First Lord of the Treasury had particularly prided himself—viz. timber. In consequence of the manner in which the accounts had been given, he found that he could not tell what had been the effect of the right hon. Gentleman's alterations in the timber duties, but it appeared to him that the Revenue from that source was not in conformity with the right hon. Gentleman's calculation when he proposed that change. As far as he could form an opinion from the papers which had been laid on the Table, he did not find the great expectations which the right hon. Gentleman had formed of a great increase in the importation and consumption of timber had been fulfilled. He might have been mistaken on this point, but as the right hon. Gentleman had the details before him, he could correct him if he were wrong; but the result he was about to state was accurate, as far as he could calculate from the documents before him. The effect of the change in the timber duties confirmed what he expressed at the time,—that the change would ultimately, as to any reduction of duty on an article of raw produce give relief, but that it would be the longest in producing that effect of any article that the right hon. Baronet could have chosen. The right hon. Baronet took the estimate of the actual revenue from the timber duties, when he proposed the alteration in the Tariff, at 1,565,291*l.*, and he concluded his calculation as to the effect of the change which he proposed, by saying, that if there was no additional consumption of timber, he did not anticipate a greater loss to the Revenue than 601,491*l.*, but he observed that the probability was, that the loss would be much less than he anticipated, in consequence of increased consumption. Now he found, according to the Finance Accounts, that the duty derived from the timber duties last year was only 667,000*l.*, which showed that the loss to the Revenue was 899,900*l.* It was not only a loss to the Revenue, but it was clear that there had been a diminution in the consumption of timber, and that none of those advantages had resulted from the change in the duties which the right hon. Gentleman had anticipated. The calculation of the right hon. Gentleman was, that there would be a loss to the Revenue on this article to the amount of 601,431*l.*, if there was no increase in the consumption of the article; but the effect had been a loss of 899,000*l.* being 298,000*l.* more than was calculated on by the right hon. Gentleman. There was one important deficiency in the statement of the Chancellor of the Exchequer. He had thought that the right hon. Gentleman would have told the House whether he intended to continue the Income Tax for more than three years or not. It appeared to him that the financial arrangements and the state of the Budget for the few next years must depend upon this consideration, and the House ought to know, not as a matter of curiosity, but of business, whether the tax were to be retained. If the right hon. Gentleman intended to get rid of the Income Tax next year, he should have told the House, and the whole of his financial arrangements must have reference to that point, and, on the other hand, if he had come to the opposite conclusion, he should have so said, and taken a line in conformity with such decision. The Chancellor of the Exchequer had not given them any information on the subject. He, however, could not help feeling, from the tone of his statements, that the right hon. Gentleman would come down next year and say, that it was essential to his financial arrangements, that the Income Tax should be carried on for two years more. This was a most important consideration, when the right hon. Gentleman proposed to deal with minor matters. He thought, therefore, that there was a deficiency in the statement of the right hon. Gentleman when he avoided alluding to a matter which must be the turning point in his financial arrangements for a few years to come, whatever might be his intentions. The right hon. Gentleman had not told the Committee that he intended to continue the Income Tax for a period of five years; now he conceived that the right hon. Gentleman ought frankly to have done so, if he intended next year to make such a proposal. It appeared from the statement of the right hon. Gentleman that he calculated on a surplus for next year of about 3,000,000*l.*; but with such a surplus

he could not take off the Income Tax, producing 5,000,000*l.* a-year, without leaving a deficiency. Under these circumstances there was left very little probability of their taking off the Income Tax next year; and he thought that it would have been a more manly course to have explained the step that he intended to take with respect to the Income Tax next year, for it was obvious that the right hon. Gentleman and the Government must have come to some determination on the subject. All however that the right hon. Gentleman chose to do was to observe that he would leave the House next year to settle the matter as to the continuance or not of this tax. He, however, strongly suspected that the matter was settled, and that the Government had determined to continue the Income Tax for two years longer. In that case they might have made such reductions of duty as might have been of essential service to the country, and in such manner as that the Revenue might have secured itself before the expiration of the five years. He thought Government ought to have taken this more comprehensive view of the finances. He now came to the particulars of the Budget. He understood the right hon. Gentleman, by the reductions which he had that night proposed to make, there would be a falling-off in the Revenue to the amount of 400,000*l.* This would arise from the reduction or the removal of the duties on several smaller sources of revenue. The first two articles to which the right hon. Gentleman referred were glass and vinegar. He entirely approved of the arrangement proposed by the right hon. Gentleman, and in doing so, he did not so much take the amount of the taxes, as the beneficial effects that would follow from relieving trade. He was glad to see the alteration proposed with respect to the article of glass. They had heard of late years much of the duties on importation, but he felt strong objections to the duties of the Excise, not so much as regards the amount of the tax, as the restraints and checks which encumbered and injured the traders and were of necessity imposed in order to levy the tax; he was glad, therefore, to see an alteration in the glass duties which would simplify the law to the manufacturer as well as reduce the duty to the consumer. With regard to vinegar, he hoped that when they took off the Excise duty on this article, that he would also reduce the Customs duty on foreign vinegar, for if he did not, the consumer would not receive the whole benefit of the reduction. With respect to the alteration of the stamp duty on marine insurance he was very glad to hear the proposition of the right hon. Gentleman. Again, with regard to the duties on currants and wool, he thought that the arrangement of the right hon. Gentleman was perfectly satisfactory. With respect to coffee, the proposed arrangement was not only a reduction of duty, but it was a step to get rid of those differential duties, to the principle of which he had repeatedly expressed his objection. He thought, however, that there was something objectionable in the mode in which the right hon. Gentleman proposed to deal with the article chicory. He could not see what possible advantage would arise from imposing a heavy duty on foreign chicory. He recollected that at one period the Board of Trade prohibited the importation of this article, on the ground that it injured the revenue, as it was used in adulterating coffee. If the right hon. Gentleman would take the trouble to look into the Revenue Returns he would see that the effect of this proceeding of the Board of Trade had been to give a protection and premium to the chicory growers in this country. This was the case in the years 1835 and 1836, when an increase took place in the cultivation of chicory at home. He, therefore, very much doubted whether the right hon. Gentleman's proposal with respect to chicory would do him much good. It was a mistake to suppose that the consumption of this article prevented the consumption of coffee. The fact was, that chicory was mixed up with bad coffee. It was found that when Lord Spencer proposed the reduction of the duty on this article, that it so far became an article of consumption, that when it was mixed with bad coffee which could not have been sold before when so mixed, the bad coffee was readily got rid of. He hoped, however, hon. Gentlemen did not labour under the impression that chicory deteriorated coffee. He believed that the coffee which was so much admired by Englishmen when across the water was mixed with chicory to the extent of one-third. These however, were comparatively small matters; and he now came to a question of considerable importance. He alluded to the alterations which the right hon. Gentleman had given notice he intended to propose with regard to the sugar duties. It was a very tempting subject for party observations. The late Government had proposed a change in the Corn Law—in the

Timber and Sugar Duties and in the Tariff. They were turned out by the Gentlemen opposite—since then what had happened? In previous years they had proposed changes in the Corn Laws, and in the Timber Duties, and in the Tariff, all changes which they had so strenuously opposed, he had ventured to say that the time was not distant when they would come down with some proposal with respect to the sugar duties. Had the right hon. Gentleman and his Colleagues forgotten the Resolutions on which they had turned their predecessors out of office? At that time even it was obvious to every sensible man, that although Gentlemen opposite might interpose some little delay, that the time would come, sooner or later, when they would come down and propose some alteration in the sugar duties. It had been curious to watch them and to speculate on the course they would ultimately take to swallow that unfortunate Resolution; but bitter as was the mouthful, whatever difficulties they might make, the leek must be eaten at last: here then was their proposition. The right hon. Gentleman said, that the object he had in view in his proposed arrangement was to take care not to admit slave-grown sugar. The mode was by what was now called a preferential duty. The right hon. Gentleman might be anxious to be very pure and honest in dealing with this matter in the way he proposed, but the question was, whether he would succeed in his object, and whether other results than he anticipated would not follow. The right hon. Gentleman had dwelt on the difference which he proposed should be made between the duty on free-produced sugar from foreign possessions, and that on Brazilian slave-produced sugar. Now he could not help feeling that when the Brazilians heard of this, they might be inclined to make a differential duty between the manufactured cottons of this country and that from other countries. He did not believe that the Brazilians would do themselves much good by adopting such a course; but he did not think that this country would have any right to complain if they did so. The next point for consideration was, whether the proposed course, when carried into effect, would effect the object the right hon. Gentleman had in view. First did the right hon. Gentleman confine the importation to free-labour sugar. The right hon. Gentleman had alluded to the Treaties with the United States, by which the duties on the produce of that country were to be put on an equal footing with the duties on the produce of the most favoured countries, and had observed that there could not be expected to be any importation of sugar from the United States. If he was not much mistaken, this country had similar Treaties with Sweden and Denmark. Now, if such Treaties existed, sugar, the produce of the colonies of these countries, must be admitted, although slave-grown, at the same rate of duties that the right hon. Gentleman proposed to levy on free-grown sugar. [Mr. *Gladstone:* Not Denmark.] He had looked into those Treaties, and he thought this was a matter worthy of some consideration. No doubt the right hon. Gentleman had taken the opinion of the Law Officers of the Crown on this subject, and they might have told him that the Treaty with Denmark did not bind him; the right hon. Gentleman must have better means of deciding the point than himself; but as they would have future opportunities of discussing it, he would not go into it at present, but he still entertained an opinion that that Treaty was binding. There, however could exist no doubt as to the Treaty with Sweden. They might be told that a very small quantity of slave-grown sugar would come in from the Swedish colonies or from the United States. But this was not a very valid answer when they came to the question of right or wrong as to the admission of slave-grown sugar. There was no doubt that this might be an answer to the West-India grower, so far as regarded the commercial question. As regarded protection the argument would be good, but when they came to the consideration of the moral question of right or wrong, it was a very different matter. He recollected when the late Government made its proposition on this matter, they were told that if they admitted one single ounce of slave-grown sugar in this country, they would be acting contrary to the Gospel. They however were now told that only a very small quantity would come in for consumption. Such a palliation of this departure from the principle formerly so strongly laid down, reminded him of the story of the poor girl, who being taken taken before a magistrate for a deviation from the path of virtue, on being questioned, admitted the fact, but urged that her's was a very small bantling. But would any man tell him who entertained such strong and conscientious objections to slave-grown sugar,

that if they took out of the European market for consumption in this country a quantity of free-grown sugar, that it would not act as a stimulus to the production of slave-grown sugar? It was difficult to know accurately what was the amount of free-labour sugar, but he would take the statement of Mr. Macgregor Laird on this point, to show the fallacy of the argument of the right hon. Gentleman. Mr. Laird's figures might not be quite accurate; he did not affirm they were, but he thought it was sufficiently correct for argument. He found, according to this Gentleman, that the whole of the sugar brought into Europe for consumption amounted to 673,000 tons, and of this 204,000 tons was the produce of the West-Indian Colonies and other British possessions; so that there remained 469,000 tons for the other European markets. The amount of sugar which it was calculated was brought into the European markets from Java, Manilla, Siam, and Cochin China, was 95,000 tons, the whole of which sugar was the produce of free-labour. Now, if they took the whole of that out of the continental European market for consumption in this country, what would be the effect? If they took this amount which was about one-fifth of the whole consumption on the Continent, out of the European market, the result would be that the supply there would be less than the demand, and this gap must be filled up, and would be filled up with sugar from the Brazils and Havannah. It therefore became a matter of indifference whether this country at once took slave-grown sugar, for the gap would be filled up with slave-grown sugar. When, therefore, the right hon. Gentleman congratulated himself on his consistency in not going back from his principle, but that the proposition which he had that night made would tend to carry it into effect, everybody who would consider the subject for a moment, must laugh at their thus only keeping to the determination in words, and departing from it in principle. Such a clumsy contrivance to preserve the appearance of consistency would be fully appreciated by the people. As to the details of the plan, and as to the statements respecting slavery and the slave-trade, he would not go into the question, as he should have future opportunities of discussing those points. The strong argument, however, on which he rested his objection, was, that the arrangement which the right hon. Gentleman intended to propose to the House was based on a new and objectionable principle creating a difference between the produce of countries on account of their municipal institutions, and at the same time would give just the same excitement and encouragement to slavery and the slave-trade in the Brazils, by taking 95,000 tons of free-labour sugar from the European market, as if you at once took 95,000 tons of Brazilian slave-produced sugar.

Sir *R. Peel*:—I would wish to postpone the discussion with respect to the sugar duties until a future period, when the right hon. Gentleman will have an opportunity of entering fully into the question. I think that the charge which the right hon. Gentleman has brought forward against the consistency of the Government is totally without foundation. I do not apprehend that Her Majesty's Government ever made any statement that they would be opposed to the introduction of sugar—the produce of free labour—into this country as soon as the termination of the treaties with Brazil should admit that introduction, without giving to Brazil the power of the admission of slave grown sugar. Now, the right hon. Gentleman must remember that in former discussions on this subject it was constantly said to us, by hon. Gentlemen opposite, "You say, that you object to the admission of slave-grown sugar, but why, then, do you not admit sugar, the produce of free labour, into competition with the sugar of your own colonies." I recollect that the hon. Member for Wigan made use of that argument; and I also recollect that the hon. Member for Dublin gave notice of his intention to propose the admission of sugar the produce of free labour, into competition with sugar the produce of our own colonies. Now, supposing that we refused to admit sugar the produce of free labour into our markets on the grounds stated by the right hon. Gentleman, namely, that by admitting sugar in this way, we were encouraging the admission of sugar the produce of slave labour into the continental markets, would it not be charged against us that we enjoyed a monopoly of the continental markets for the produce of our West-India colonies, and that by refusing to admit into competition sugar, the produce of free labour, we were looking to maintain that monopoly? It would be said that our objection in reality was not to the admission of sugar the produce

of slave labour, but that we desired to maintain the monopoly of the continental markets for our West-India colonies. That was the reason why we would not admit sugar the produce of free labour, into competition with the produce of our West-India colonies. I am sure that that argument would be urged against us if we had not taken the earliest opportunity, consistently with the principles we have already avowed, to admit into competition with the produce of our own colonies, sugar the produce of free labour. I will not now enter into any observation of the details of the question, because I think, that they can be much more satisfactorily discussed at a future period. Some observations have fallen from the hon. Member for Montrose and the hon. Member for Coventry to which I will briefly allude. Those hon. Gentlemen have laid the chief stress of their argument upon the amount of the public expenditure, and they say, that we ought to notice the amount of the Estimates, in order that we may get rid of the Income Tax. Now, on this subject, I repeat what I have always said, that without reference to any particular duty, it, the Government, ought to reduce the whole expenditure to the lowest possible amount competent with the permanent interests of the country. No matter whether or not you wish to reduce any particular tax, but the maintenance of any expenditure not called for by the necessities of the country is in itself a positive evil. It would be the duty of the Government to make that restriction, no matter whether that restriction enabled them to reduce the Income Tax or not; but, looking at the immense colonial empire which we are called upon to govern, I confess myself unable to discover how it would be possible for us to have fixed our Estimates at a lower amount. In general, it has been found the most expedient plan to place in the Executive Government for the time being a certain degree of confidence, for this among many reasons, that they are supposed to possess and always do possess, better means of information than the House at large. The House and the country, then, are willing usually to take something upon credit, and therefore they appeared to be all but unanimous on the Estimates for the great services of the year. An hon. Member told the House—and it is quite true—that when I was first Lord of the Treasury in the year 1835, the amount of the Estimates which I proposed for the Army, Navy, and Ordnance was 14,000,000*l.*; and then he contrasted that sum with the gross amount of the Estimates for the present year, which are 17,300,000*l.* Now, I beg the House to remember that some portion of this, and no inconsiderable portion either, is to be expended on the improvement of prisons, and on judicial charges. Again, when hon. Members tell us that we ought to do away with the Income Tax by reducing the expenditure of the country, I request of hon. Members to remember what has occurred to us since the year 1835? These things have occurred:—there has been a rebellion in Canada; there have been hostilities in Syria, and a war in China. It is true enough that these events did not take place during our administration; but, it is, nevertheless, our duty to provide for their consequences. Let us not, then, be told, that we ought to reduce, or that we can reduce, the Income Tax. It is very easy to talk of making reductions, but the difficulty is to show that in the end these reductions will consist with true economy. The question before the House is not that which might be suitable or expedient in the year 1835, but that which may be fitting, convenient, and just in 1844. It has been sought to censure us heavily for the amount of those Estimates, as if we could have any motive for inflaming their amount. What interest can we have in maintaining a system of extravagant expenditure? There is, perhaps, a vulgar notion prevalent in some quarters that we have a motive for proposing excessive Estimates, on account of the patronage which they are supposed to yield; but a more unfounded and erroneous impression it is hardly possible to imagine. It would be far more agreeable to us to show to the nation a surplus revenue than to press upon their resources with superfluous expenses. When hon. Members call upon us to give up the Income Tax, I invite them to look at the state of our army. I ask them to recollect the number of regiments which have been abroad beyond their proper period. I say it does not consist with true economy to tax human strength and human life beyond the ordinary regulations of the army. Look at our army in India and in the West Indies, and let us not be told that their strength can be taxed any further. Look at them

in every part of the world, and tell me if the strain upon them can be carried beyond its present limit. It is impossible that the reasonable reliefs of the army can be diminished, or that we can manage to carry on the business of the country with a smaller amount of military force. In reply to this, however, the advocates for a reduced taxation, tell us, that we ought to reduce our colonial empire. This is very easily said; but I believe no one whose authority is of any value will attempt to say that we can with any degree of safety disturb the relations at present subsisting between the mother country and the Colonies, and least of all do I think that we should be induced to disturb those relations on account of the pecuniary expenditure. If the House were to come to the conclusion that it would be our duty to diminish instead of extending our colonial empire, I do apprehend that the effect would be, to engender feelings which, so far from creating, it would be our earnest desire to remove, and, if possible, prevent. I do dread that feelings most to be avoided would inevitably be engendered if there were the least thought of abandoning any of our Colonies for a moment entertained. It is said that the Navy of 1843 and 1844 is greater than that of 1835. I admit that it is so; but I do at the same time ask if any rational man ought to be dissatisfied with such a state of things. The hon. Members for Coventry and for Montrose, in the earnestness of their zeal to get rid of the Income Tax, tell us that we must go back with our establishments to the scale of 1790. [An hon. *Member:* The hon. Gentleman the Member for Coventry said 1792.] Well, I have no objection to take it as of 1792. The one is just as impracticable as the other. The hon. Gentleman, then, wants us to go back to 1792, and he tells us that, allowing for the difference of our population in that time as compared with the present, we should regulate our expenditure according to the model left to us by the statesmen of 1792. Will the hon. Gentleman tell me if Mr. Pitt agreed to the reduction effected in the year 1792? He held, as I do, that the amount then fixed was not consistent with true economy. [Mr. *Williams:* 1792 was not the year to which I referred.] I thought so, and I mentioned 1790, but an hon. Member behind me corrected my statement, and said, 1792. But, whether it be the one year or the other, I appeal to any man—excepting the hon. Members for Coventry or Montrose—to say, if he believes it to be consistent with the safety of the country, that the Naval Estimates of 1844 should be the same as the Naval Estimates of 1790, and that the only difference between the one and the other should be merely a variation founded upon the difference between the population of the country at the one period and its population at the other. I ask, would it be consistent with the interests of this country that we should be blind to the state of our Navy—that we should overlook the efforts that are being made by other countries in this respect—that we should permit other countries now on terms of friendship with us to lay the foundations of a great Marine—that we should see them expending enormous sums on the preparation of armed steam-boats and of new implements of warfare, and of resources which, unless timely provided, could not be immediately supplied upon a sudden emergency—if we should subject our commerce to the risk of being attacked by a powerful fleet—if we should remain inert and not guard against such risks by necessary and due precaution—I say, if we were to do this, that nothing would be more unwise or more inconsistent with wise and rational policy. The hon. Member says that we should go back to 1790, and overlook all the circumstances of the present time—and if we should be overtaken by some unexpected calamity—if our commercial Marine, returning to the channel, should be assailed, and that we, acting on economical principles, should have no greater Naval force than this country possessed in 1790—if we overlooked the great change effected by steam navigation—I say, that if, having overlooked those prudent and wise precautions which a Government is bound to take, we came to be tried for our neglect by this economical House of Commons—we would be condemned and justly condemned, as the greatest dolts that ever undertook to manage the affairs of a great country. I speak not now of the Army. I speak especially of the Navy, and I say that if this country resolved to treat with disregard the efforts made by other Powers to establish great Naval forces, this country would commit a great and irremediable mistake. With respect to the Ordnance, the amount of that estimate chiefly

depends on the necessities of the service of the Army and the Navy. In the House of Commons, even at times when the greatest heats of party feelings have prevailed, there has always been a disposition to show confidence in the Executive Government which has means that the House of Commons does not possess, of judging of the necessities of the public service. They had the opportunity of examining the details of the military service of the country—they knew the demands made by the Colonies—they knew the state of each regiment, and they knew that it was true economy to allow regiments after a considerable period of service to return home instead of keeping them for long periods at great distances from home and exposed to the vicissitudes of various climates, without the opportunity of the regular rotation of reliefs. I do not see that any great saving would be effected from a reduction of the Estimates for the Army and Navy; at the same time that I am prepared to admit that to place one single 1,000*l.* on the Estimates more than is called for by the exigencies of the service is an evil, and to do so would be unwise and improper. My hon. Friend the Member for the county of Northumberland has entered upon some discussion with respect to the coal trade, and expressed some disappointment that, as the state of the Revenue was so encouraging, my right hon. Friend the Chancellor of the Exchequer had not taken the opportunity of relieving the coal trade. I will not at present enter on the subject; but I must say, that the amount of coal exported last year does not show that the coal duty has operated with so much pressure on the coal trade as my hon. Friend has urged. I find that the entire amount of coals exported in 1843, including cinders and small coals, amounted to 1,866,000 tons. I admit, certainly, that there has been a diminution in the amount of coals exported, if we compare the exportation of last year with that of 1842; but in the course of that year (1842) it was known that the new duty would come into operation, and during one quarter of that year there was an increased exertion made to send coals abroad. It consequently happened that there was a considerable increase in the export of coals in 1842, on account of the expected addition of the new tax. But let us now compare the exports of 1843 with the exports of 1840, when such motives to increase the export did not operate. [Viscount *Howick*: Take 1841.] The noble Lord was not present when the subject was alluded to, but I will take 1841, as he is entitled to the benefit of any impression that may be produced by the comparison. In 1840, the whole amount of coals exported was 1,686,000 tons; in 1841, it was 1,848,000. This was the exportation in a year when there was no expectation of the new tax, and when the export of the year might be taken as a fair indication of the natural amount of traffic. But last year, notwithstanding that the duty was in operation, the export of coals exceeded the amount exported in 1840. Well, then, in 1841, the export was 1,848,000 tons; in 1843, it was 1,866,000 tons; so that, notwithstanding the operation of the duty, an increase has taken place in the quantity of coals exported. Now, let it not be said that I am vindicating the tax—it was imposed under circumstances when new taxation was rendered necessary; and all I can say is, that the apprehension that a considerable diminution in the export of coals would be the consequence of the imposition of the tax has not been realised to the extent anticipated by those who objected to the tax. The right hon. Gentleman who spoke last complained that the Government had not come down to Parliament with a distinct proposition with respect to the renewal or discontinuance of the Income Tax. The Income Tax, as the House is aware, will not expire until next year, and I must say it appears to me more conformable with common sense to wait until the period when the Income Tax is about to expire, and when we will have increased experience of the effect of the reduction of duties, and that the House should take an enlarged and comprehensive view of the financial position of the country next year, than that a year before the tax expires, and before you have an opportunity of seeing what will be the effect of a reduction of duties, you should come to the House and ask them whether they are prepared to continue the Income Tax or not? We shall be, probably, in a better condition to take that enlarged and comprehensive view of the finances of the country next year—we shall lose nothing by the delay, and we shall gain nothing by the premature discussion of the question. Supposing that the propositions should

be met with a difference of opinion—supposing that my right hon. Friend the Chancellor of the Exchequer said, that he thought it would be necessary at the end of the next year to continue the Income Tax, see by what formidable arguments we should be met. It would have been said, "Your estimate last year for the service of the present year was 50,150,000*l.*, and your income is 52,835,000*l.*, so that the Chancellor of the Exchequer finds himself at the end of the financial year with a surplus of upwards of 2,600,000*l.* on which he never calculated; and yet, having that surplus, you ask us to concur in enabling you to continue the Income Tax." It would be said how do you know that your income in 1844 may not exceed your expenditure, and leave you a surplus of a similar amount of 2,600,000*l.*; in that case there will be no necessity for the Income Tax, so that you who were so agreeably deceived this year, may be similarly agreeably disappointed next year, and it will be better to postpone the consideration of the Income Tax until you see what will be the state of your Revenue next year." After the proof that has been shown that there is that elasticity and buoyancy in the resources of the country that produced a surplus of more than 2,600,000*l.* for the present year more than was expected, I doubt whether it would be possible for any Government to anticipate the period of the termination of the Income Tax, and ask the House to consider the expediency of continuing that tax. When my right hon. Friend mentioned that I originally contemplated the Income Tax not for three years but for five years, he was met by hon. Gentlemen opposite with that sort of incredulous laugh which evidently indicated some doubt of the accuracy of the statement. I will, therefore, with the permission of the House, read to them what I did say on this subject in the month of March, 1842. On that occasion I addressed myself to the House in these words:—

"I trust that Parliament will confirm the duration I am about to propose; and I trust that Parliament would not be unwilling, in case of necessity, to continue the duration of this tax for a period of five years. But still there may be, as there have been before, and of which I do not despair, those revivals of commercial prosperity, coupled with the measures which I am about to propose, that may make Parliament naturally anxious to have an opportunity of reconsidering the subject at an earlier period than that which I name: they may wish to have the opportunity of considering the operation of this tax at an earlier period than five years; and although I must contemplate the possibility, for public interests, of that duration, and although I trust that, in case the experiment should not be complete, Parliament would not hesitate to prolong it, yet I think, upon the whole, it is only just, in the first instance, to limit the experiment to a period of three years, in order to give Parliament an opportunity of continuing it at the end of that time, if necessary." (*Hansard*, lxi. 444.)

If I proposed at the end of two years to get rid of the tax, would not my own words be quoted against me? I am sure the House will agree with me that next year we shall be in a better position to deal with this question. In the course of that period we shall have the advantage of a more enlarged experience; and I think therefore it would now be highly inexpedient, by proceeding prematurely, to fetter the judgment of the House. In the next year trade may be in a more flourishing condition; our Estimates may be falsified in a manner as gratifying as they were in the last year. Let us then postpone any decision on the subject till we possess an opportunity of regulating that decision by the known amount of the Revenue, and suspend our consideration of the question until it comes properly before us. Then if we made any considerable reduction of taxation in the present year to the amount of some 2,000,000*l.* or 3,000,000*l.*—if we were to reduce the duty on glass, to reduce the duty on tea, to abolish the excise duty on soap, and to reduce the duty on tobacco—all of which would be most valuable reductions in themselves, but accompanied with much uncertainty as to their consequences on the Revenue, that we should in consenting to make those reductions now be virtually deciding the question of the duration of the Income Tax in the present year, instead of waiting for that purpose until next year. It is therefore, I think, better that we should postpone the consideration of that question altogether until we come to take the essential view of it in another year; but, at the same time, while we decide upon doing so, we are not to forget that there are some taxes which press more particularly upon industry, and which it is therefore most desirable should be removed, if possible, at once. One of these is the duty on the importation of

foreign wool. We had several interviews with the manufacturers of Yorkshire on this subject, and we contented ourselves with listening respectfully to their statements in silence, without stating at the time what course we were disposed to adopt. I confess, however, that their views had very great weight with us at the time, and that we felt a strong wish to relieve them as soon as circumstances would permit us to do so. When those Gentlemen last waited upon us they appeared to think that, even if a portion of the wool trade were relieved, there would be considerable satisfaction felt by the trade. An attempt was made to draw a distinction between the coarser wools and those of a finer quality, and they would be perhaps satisfied if a reduction were made in the duty on the inferior wool. But when we were touching the wool duty at all we thought it would be much better to leave the import and export of the raw material free altogether than to grant relief in a particular branch of the trade on which the duty was felt to press more heavily than others. With respect to marine insurances, I do not think that we shall suffer any loss by the reduction that we have recommended. I think my right hon. Friend has shown, when speaking on this head, that this country may in future very justly expect to become the chief state in which marine insurances will be effected, and that there is a prospect of drawing from other countries those insurances which were effected in them in consequence of the high rate of duty on such policies in England. I think the right hon. Gentleman opposite will agree with us in this,—that if a sum of 400,000*l.* of Revenue only is to be reduced, that it would be difficult to make a better selection of duties to be reduced than those which my right hon. Friend has brought forward. Though the amount to be reduced may be small, I think it will be generally agreed that a good selection has been made of the articles to be affected by that reduction,—always of course assuming that we are agreed in the amount of reduction to be made. Some will say that the reduction ought to be 2,000,000*l.*; but, without entering into that question for the present, and assuming that the reduction for the present year, and in the present state of the revenue, should be no greater than the amount at which we have fixed it—namely, 400,000*l.*, I think it must be admitted that we have selected those articles for a reduction of duty that will be considered most generally advantageous and most in conformity with those principles which we laid down at the time of the introduction of the tariff. And this is the advantage of laying down general principles on an occasion of the kind; for, though we should not be enabled to carry them out to the full extent at the time, still when we have an opportunity of doing so afterwards we are enabled to act up to them. I was saying these reductions are made in conformity to those general principles that we laid down when we introduced the tariff; in other words, according to the extent and in the amount most likely to relieve industry and enterprise; and, though this may appear to some Gentlemen to be slight and trivial, still I think it will be found on inquiry that they are all articles most likely to affect the comforts of that class of Her Majesty's subjects who depend for their support on manual labour. That being the principle on which we have acted, I trust the amount and the nature of the reduction which we recommend will also meet with the concurrence of the House.

Mr. *Labouchere* believed the general impression on that side of the House was favourable to the proposed reductions. With regard to the Income Tax there was no one opposed it more strenuously than he on its first imposition; but, the House having assented to its introduction, he did not think they now stood in the same position with regard to it, as when it was first proposed. He came down to the House rather inclined to think that the right hon. Gentleman opposite would announce to them that he had made up his mind respecting the continuation of that tax for the entire five years; and he should say that if the right hon. Gentleman had made such a declaration, and had proposed to take advantage of the favourable position in which that tax had placed the revenues of the country, in dealing largely and wisely with the taxes that press on the poorer and industrious classes, he for one would have been inclined to question whether it would not be good policy for the House to make such an agreement with the right hon. Gentleman as would leave the Income Tax undisturbed to the end of the five years. If the right hon. Gentleman had proposed to deal largely and liberally in

reducing the duty on such articles as sugar or other matters of general consumption which might involve a present sacrifice of revenue which might be expected to recover at the end of three years, he, for one, would think it would be wise on the part of the House and of the country to allow the Income Tax to be continued on condition of such important reductions being made. With regard to the proposed reductions which the right hon. Gentleman had made, he should confess that he heard some of them with much satisfaction. He agreed with the Gentlemen who had spoken on his side of the House as to the value of the proposed removal of the import duty on wool, and also of the diminution on the duty on coffee, and he would go so far as to say, that if the right hon. Gentleman had only that sum to deal with, he was not prepared to deny but that he had made as prudent and as wise a selection as, under the circumstances, he could have adopted. There was one point alluded to by his right hon. Friend, the Member for Portsmouth, to which he wished also to refer—he alluded to the duty on vinegar. When the right hon. Gentleman reduced the Excise duty on vinegar, he ought also to have removed one of the most objectionable items in the entire Tariff—namely, the prohibitory duty on foreign vinegar—which forced the people of this country to use the detestable vinegar manufactured at home, insteadof the good article that they might procure from France. He recollected calling the attention of the House to that matter when the Tariff was first before them, and the President of the Board of Trade opposite so far agreed with him as to stand up and make a speech in favour of his proposition until he was checked and pulled back by the tail of his coat by the First Lord of the Treasury. He should also say, at the same time, that he could not conceive why the Government should delay any longer from considering other articles in the Tariff which, when it was first proposed, were postponed only in consequence of this country being at the time in treaty with France. That Treaty was now as completely over as the Treaty with the Brazils, and when the right hon. Gentleman had said that the reductions which he proposes in the duty on coffee, and which are now practicable, could not then be made, in consequence of the latter Treaty, his argument applied with equal force to other articles, such as brandy and silks, which were no longer affected by their Treaty, which then alone prevented them from being included in the reduction. He did not speak of wines, from which a considerable revenue was raised; but he confined his remark to those articles that might be treated without any loss to the Revenue, and which had been formerly kept back solely on account of the pending negotiations with France. He hoped the right hon. Gentleman would not any longer postpone dealing with duties of that description. But turning from that matter he came to an announcement which had been made that night by the Government, and which was of infinitely more importance. Though other opportunities would offer for discussing it, still he could not refrain at the very earliest occasion from expressing his deep concern and regret at the statement which they had all heard, that the Government were prepared to take a step which would have the effect of placing a commercial ban on the intercourse between this country and a great nation that was intimately connected with Great Britain by the ties of commerce, and that extended over a vast and important part of the habitable world. The Government were about proscribing and placing a ban on their articles of commerce by the course which it had been announced would be taken with regard to the sugar duties. He had not been without apprehension that something of the kind would have been attempted from the statements that had been made from time to time; but he had hopes that when the Government came to examine the immense difficulties that appeared in the way of such an attempt, and how completely impracticable it would prove in advancing the object which it professed to have in view, they would see the necessity of abandoning it. He would confess he had clung to that hope up to the last moment, and he should also admit that he had been not a little surprised at the few words which the First Lord of the Treasury had made use of on the subject. It was true the time had not arrived for entering into details on the point, but he thought the right hon. Baronet might have availed himself of the opportunity of saying something in answer to what had fallen from his right hon. Friend the Member for Portsmouth. The reply of the right hon. Baronet was merely, that if he had objected to admit sugar, the produce of free labour, on the ground that the supply required to replace it would be brought from Brazil and Cuba, he would be taxed with insincerity in looking for objections to serve as

an excuse for postponing the introduction of foreign sugars; but he did not tell them whether he did not think that answer, supposing that he had given it, would be valid and sufficient. The objection of his right hon. Friend, the Member for Portsmouth, was perfectly sound, because if they took sugar from Java to supply the English market, Germany and other countries that are now supplied from Java, would then take sugar from Brazil and Cuba, and thus they would be practically stimulating the slave-trade with those countries just as directly as if they were allowed to introduce their sugar into this country. He considered the veil that was thrown over this matter was too transparent to hide its real effect from Brazil, and, he would add, from all foreign nations, and that they would in future be inclined to disregard that claim to the sacred name of humanity, which England so long assumed in consequence of her efforts to extinguish slavery. There would, to be sure, be other opportunities of discussing this matter; but still he confessed he was anxious to hear how it was alleged the principle could be carried into effect at all. How, for instance, in the case of a ship coming from New Orleans, could they tell whether the sugar which she had on board might not have been grown in Cuba and not in Louisiana? Did they mean to rely on the certificate of origin coming from those countries, though it was well known they were not always to be depended on, even when coming out of their own custom-houses at home. He feared the plan, if carried out, would but open the door to an endless system of evasion and subterfuge, and of fraudulent trade, which would be deeply injurious to the commercial character of this nation without, at the same time, affording any check whatever to the progress of the slave-trade. They would be also raising up a hostile feeling against their manufactures in Brazil and other countries, where, unfortunately, the prejudices of the people still bound them to slavery. He detested slavery as much as hon. Gentlemen opposite, and he would go, by fair means, as far as any man could in attempting to put it down, but he should add that he believed the present plan of the Government with regard to the admission of free-labour-grown sugar would only tend to promote not to discourage the slave-trade. Before he left the subject he wished to express a hope that as the right hon. Gentleman opposite must feel that under these circumstances the discussion on the sugar duties would be of unusual importance, he would consent to introduce it at a period of the Session that would afford hon. Members an ample opportunity of considering the point maturely before they came to any decision upon it; he would also add that he thought the aspect of the present times was such as to render it particularly unfortunate that under any circumstances whatever they should establish a system of differential duties towards any country, considering that there was at this moment a great jealousy of English commerce and manufactures throughout the world, and that several countries were endeavouring to persuade other nations to admit their products to the prejudice of those of England. He would remind the House of what had fallen some nights ago in a conversation between the hon. Member for Bolton and the First Minister of the Crown, respecting a treaty between the United States of America and the Commercial Union of Germany, having for its object the introduction into the former country of the products of the German manufacturers. No one deplored those proceedings more than he did, but he feared they would not strengthen their position by such a course as that now about being taken with regard to the important article of sugar. In conclusion he would take the liberty of asking the Chancellor of the Exchequer when he intended to bring the subject of the sugar duties under the consideration of the House?

The *Chancellor of the Exchequer* said, he would bring the question forward at an early day, but he was not then prepared to state the precise date.

Mr. *Stuart Wortley* could not allow the opportunity to pass without expressing his satisfaction and thanks for the important boon that the Government had declared their intention of conferring on the part of the country with which he had the honour to be connected in the proposed reduction of duty on the importation of foreign wool. He had always done Her Majesty's Government the justice to believe that the only ground on which they had considered themselves justified in refusing to repeal the tax on the raw material of such great importance as wool was because the state of the revenue would not admit of the loss which would be incurred by it, and the principles admitted by them on that evening to the House proved that he was fully

justified in the opinion that he had formed of them. He confessed he should feel much less gratification in accepting the repeal of these duties if he thought that the relief would be followed by any loss to other classes in the country, but it was his firm belief that such would not be the case, and that the importation of foreign wool would, in no degree whatever inflict an injury on any other interests. His hon. Friends near him who represented Lincolnshire and other districts where long wool was grown, might be satisfied that they would not be injured by the alteration, for he had no hesitation in asserting, from previous experience, and from the opinions of those most thoroughly acquainted with the subject, that so far from the admission of foreign wool having the effect of diminishing the use of the long English wool, it would increase the demand for it by the more general manufactures of cloths requiring the admixture of foreign wool with the wool of this country. The hon. Member, in conclusion, complimented the Chancellor of the Exchequer for the manner and substance of his able statement, which was in every way worthy of the Financial Minister of this great country, who, three years ago, found the revenues in a state of the lowest depression, and in that short period had brought them up to their present prosperous condition.

Mr. *P. M. Stewart* said, that it was not his intention to trespass at any length upon the indulgence of the House. He was anxious, however, to say a few words with reference to the financial statement which the right hon. Gentleman, the Chancellor of the Exchequer, had that evening made to the House. The speech of the right hon. Gentleman was characterised by great caution. What was the result of the statement of the Chancellor of the Exchequer? The right hon. Gentleman said, that the surplus revenue amounted to 3,300,000*l.*, and they only proposed to remit duties to the amount of 400,000*l.* The right hon. Gentleman commenced his statement of reductions by proposing a reduction of the duty on glass, then on vinegar, coffee, and the right hon. Gentleman ended with currants. The articles to which he referred composed the principle subject of this little episode of a budget. He much regretted, that neither the statement of the right hon. Gentleman, the Chancellor of the Exchequer, nor the statement of the right hon. Baronet, the First Lord of the Treasury, contained the slightest allusion to that great article of cotton, which had formed the subject of so much anxiety, interest, and discussion. He told the right hon. Gentleman that it was his duty to have included in the Budget the article to which he alluded, viz., cotton. The whole duty upon cotton was between 600,000*l.* and 700,000*l.* When they considered the duty imposed upon the raw material—the importance of the article to the British manufacturer, he thought the Representatives of the British manufacturers had a right to hear from the Government some apology for the omission contained in the financial exposition of the right hon. Gentleman opposite. He was not influenced by any feeling of jealousy with regard to those hon. Gentlemen interested in the contemplated reduction of the duties upon wool. But let the House bear in mind, that the revenue derived from wool was puny in amount, viz., 90,000*l.* : nine-tenths of the raw material was imported. There never existed a clearer case for the immediate reduction of the duty upon cotton; but it appeared exceedingly strange to him that not one single word had been breathed upon the subject by any hon. Gentleman in connexion with the Government. Not long since a deputation on that subject waited upon Her Majesty's Government. The Members of that deputation certainly departed after their conference with the impression that the Government intended to do something with regard to the duties upon cotton. The statement made that night in the House of Commons by the right hon. Gentleman would create great disappointment in the country. He had the highest authority for saying that the tax upon raw materials ought to be the first to be removed: such was the opinion of the late Mr. Huskisson, who in 1827 asserted, that it was most unjust to impose and continue a tax upon raw material. The small amount of revenue derived from such a tax certainly did not for one moment justify its imposition. At that period the revenue from the tax in question did not amount to more than 400,000*l.* There then existed a large deficit in the revenue, not a surplus as at present. They were entitled to know why this subject was omitted from the Budget. With regard to the contemplated alteration in the sugar duties, none of the colonies could now entertain a doubt as to the proposed new arrangement. It must be clear to them (the colonies) that they were about to be

placed in competition with other colonies with regard to the article of sugar. But what was the state of the British colonies, owing to the foolish system of legislation which had been pursued at the Colonial-office for some time past? In the year 1833, when they abolished slavery, the House passed a law most hostile to the interests of the British colonial possessions. They at that period opposed and prevented a contract being made which would have had the effect of securing to the West-India colonies an abundant supply of labourers. Nothing could be more injurious or detrimental to the interest of the colonies than those unnecessary restrictions and obstructions which interfered with the introduction of labourers into those colonies. He put it to the sense and justice of the Government—he put it to the sense and justice of the House of Commons—whether these colonial possessions were not entitled to have some relaxation of these restrictions? Why, he asked, should such restrictions be imposed upon our colonies. They, with the view to facilitate the importation of labourers into the colonies, passed what was termed the "Passengers' Act;" and why should the present restriction and obstruction exist? When the noble Lord, the Member for the city of London was connected with the Colonial-office, he wrote a letter to the Governor of Sierra Leone, quite a model of regulations, relating to the emigration of hill coolies from Africa to the West-Indian colonies; but, instead of carrying into effect the noble Lord's instructions, every impediment had been thrown in the way of the emigration of these hill coolies. After travelling 600 miles, they often remain for a period of six weeks or two months at Sierra Leone before they embark for the West-India colonies. Every encouragement ought to be afforded to the emigration of labourers from Africa to the West-India colonies. Every means ought to be pursued to effect that object. At present there existed an absolute prohibition with regard to the importation of hill coolies; they could not be imported into the West-India colonies. Since 1832, 40,000 had gone to the Mauritius, and they had been well and profitably employed. He wished to call the attention of the Government, and particularly of the noble Lord at the head of the Colonial-office, to the probably injurious, because obstructive, effect of the regulation with regard to the supply of labour from China. There was, he regretted, at the Colonial-office a secret influence exercised upon every Secretary placed at the head of that Department, which had a most injurious and anti-colonial effect, which made itself manifest in the utter futility of any regulation which issued from that office. He thought they ought to enter into a consideration of the probable effect of the new regulation with regard to the sugar duties on the colonies. He could not see how any person was to benefit by the alteration in the sugar duties. He saw that the noble Lord was about to address the House. It was his object to call up the noble Lord. With regard to the proceedings of the Colonial-office, he trusted that the noble Lord would take the matter to which he had especially referred into his own hands, and promote the introduction of labourers into the colonies, and extend to them that protection and encouragement which alone could enable them to enter into anything like a successful competition with foreign colonial states.

Lord *Stanley* said, that the hon. Member had called the attention of the House to the question relating to the importation of labour into the West-India Colonies. It was quite impossible for him, after the observations which had fallen from the hon. Member who had just addressed the House, to be wholly silent on the subjects which that hon. Member had brought under the consideration of the House. He did not regret that the hon. Member had afforded him an opportunity of stating what, in his opinion, would be the effect of the alterations proposed by his right hon. Friend on the West-India Colonies. There was, however, he must observe, a time when the hon. Member opposite entertained very different views with regard to slavery and the introduction of labour into the West-India colonies.

Mr. *P. M. Stewart*—Never! Let there be an immediate abolition of the foolish regulations by which the supply of labour was obstructed, and our Colonies stinted in their capacity.

Lord *Stanley*—With that of course, he had nothing to do. He was happy to be able to say, that so far from acting as a discouragement to our Colonies, in connection with speculations or tamperings with the Sugar Duties, the announcement now made, was eminently calculated to encourage and reassure the Colonies as to the steadiness of the intentions of Go-

vernment with respect to its dealings by those duties. They had never contended so much for Colonial Protection as for protection in favour of free-grown as opposed to slave-grown produce; but the proposal of a formal and solemn recognition, now for the first time, of the principle of dealing differently with free-grown and with slave-grown produce, might have so far satisfied the right hon. Members for Portsmouth and Taunton, as well as the West-India Proprietors, that while Government was not prepared to give the Colonial interests more than a just and fair differential duty in competing with foreign free-grown produce, it was determined at all risk and hazard to maintain a positive and substantial difference in favour of the free-grown as against the slave-grown article. He trusted that this principle, now for the first time announced, when it went out to the West Indies, would show the planters, that while they would have to compete at once, on not unfavourable terms, with a limited amount of foreign free produce, showed them also that it was the intention of Government to protect them against unfair competition with those who used labour obtained from notorious and iniquitous sources, which it was their (the Government's) determination to put down. His hon. Friend who last spoke told the Committee, that foolish regulations at the Colonial-Office only prevented the Colonies from competing with any part of the world, and that the noble Lord who had preceded him (Lord Stanley) in office left, with regard to emigration into the West Indies, a model plan of regulations for emigration from Africa for his (Lord Stanley's) admiring imitation. Now, he would tell that hon. Gentleman if he had read the regulations in question, that every step taken by the present Administration had been the relaxation of restrictions, the removal of obstructions, the abolition of impediments, and the increase of facilities of immigration. He defied the hon. Member to point out any one step by which the difficulties were increased; he defied him to point out one step in which facilities were not enlarged. He took no credit to himself for this; but he thought it not fair to talk of the model regulations of the noble Lord opposite, having been barred by subsequent acts, when all these subsequent acts had been in every instance to remove obstructions. He should like to know what were these model regulations which he found in the House when he came into power, and he begged the hon. Gentleman to listen. The hon. Gentleman had taken the trouble to attack him, and he begged him to attend to his answer. The hon. Gentleman had not confined his remarks to emigration from Africa. The hon. Gentleman told them of restrictions imposed on the emigration of Coolies, but these restrictions were not laid on by him. He had been attacked, on the contrary, a year or two since, by an hon. Member sitting near the hon. Member for Renfrewshire, for doing away with obstructions, and facilitating the Emigration of Coolies into the British Colonies—for facilitating that Emigration which had been obstinately prohibited, under all circumstances whatever, by that Government of model regulations which preceded him-[Mr. *V. Smith*—Immigration only into the Mauritius.] Immigration, I said, into a British Colony—and I well recollect how jealously watched, and how severely attacked was that first experiment of introducing into our Colonies, labourers from Asia. But the right hon. Gentleman (Mr. V. Smith) cried out "the Mauritius only." The right hon. Gentleman ought to be aware, from the very last Papers, which he (Lord Stanley) had presented to the House, that he had taken the first step to remove obstructions to the Emigration of Coolies. He had been the first to take this step—with caution, certainly, for he knew the jealousies—the reasonable jealousies and prejudices that existed even to Emigration to the Mauritius. He looked first to see what would be the result of the experiment in the Mauritius. This was his first step; and the right hon. Gentleman might see, by the Papers, that in his last regulations he had referred to the Governor-General of India to say whether, in his judgment, it would be compatible with the interest of the Slaves for us to extend to the West Indies the system of Immigration that the present Government had for the first time permitted to the Mauritius alone. The hon. Member again talked of impediments in the way of Emigration of Labourers from China. Now, the present Government was the first to mitigate these obstructions. For the first time notwithstanding that invisible influence which always hovered about the Colonial Office, endeavouring to prevent the fair supply of

labour, for the first time the present Government succeeding the late one of model regulations, gave permission to import Immigrants, not indeed from China, but from Singapore and places adjoining, where persons from China came to seek employment. Thus, with respect to all three places, Africa, the East Indies, and China, the present Government was the first to relax or remove restrictions, and yet on this Government the hon. Member for Renfrewshire, contrasting them with their predecessors, turned round and charged them with preventing Emigration to the West Indies, and stinting the natural capacity of the Colonies. The hon. Member spoke, as if legal restrictions existed to prevent the free introduction of Labour into any quarter. Now, there was no Law in any country except India, that he knew of to prevent any person going to the West Indies and entering into any contract he pleased for the disposal of his labour. The particular Law in question was, that persons in the West-Indian Colonies could not, unless on certain terms and conditions, enter into long contracts with persons in the East Indies, who, from ignorance, were unable to know or fairly judge of the real nature and result of the agreement—that they should not enter into such contract for a period so lengthy, that on the arrival of the parties in the Colonies it should amount to virtual slavery for a considerable time, and cause well-founded discontent amongst the Immigrating Labourers when they discovered that they had bound themselves for half the fair and customary wages or remuneration, for half what they might have claimed and received if their contract were made on the spot. That such an Emigration might not take place was the only restriction he knew of; and those restrictions were now in progress of relaxation, as far as they could be relaxed consistently with safety. And he would venture to tell the hon. Gentleman, without fear of contradiction, that the whole course of the present Government, as far as related to Immigration to British Colonies, had been, not restriction or limitation, but relaxation and remission—a relaxation cautiously used, he would admit, but still a relaxation only limited by the necessity of providing against abuse, and not at all calculated to encourage unfounded and exaggerated expectations. He (Lord Stanley) would venture moreover to add, that the whole course of the present Government had been, and would be, addressed to the removal of all restrictions upon Immigration which were not absolutely necessary, and to the encouragement and promotion of free labour in Her Majesty's Colonies.

Mr. *P. M. Stewart* was sorry that he had excited the noble Lord so much. The noble Lord charged him with swerving from his former principles. The noble Lord seemed to have forgotten the battles they had fought side by side together. He thought he once had the honour of taking part in a Bill which the noble Lord himself brought in, upon which the noble Lord the Member for Liverpool could refresh the memory of the noble Lord opposite. He had not swerved from his principles; he had always upheld the principle that if due justice were done to the Colonies they would be able to compete with the rest of the world. The noble Lord, in the heat into which he had worked himself, had made this a party, instead of a national question. He had instanced one Letter of the noble Lord the Member for London, addressed to the Governor of Sierra Leone; that Letter the Colonists held to be a model of instruction for that district. The noble Lord said, he had acted upon those instructions up to the present day. But he was attacking the Colonial-office. Every Colonial Minister had allowed himself to be made, more or less, the puppet of some secret influence, so as to become hostile to the interests of the Colonists. He would conclude by asking the noble Lord to apply his own good sense and sound judgment to the question, and then there might be a hope of deliverance from all restrictions.

Lord *Stanley* denied that he had made this a party question, but the hon. Gentleman had stated that the noble Lord who preceded him in the Colonial-office, of whom he had spoken with the greatest respect, had issued model regulations for Emigration from Africa to the West Indies, which were not at present in force. He stated, and now repeated, that those regulations had been in the main acted upon ever since. And moreover, that whatever alterations had been made were in the shape of relaxation, and not of restriction. The hon. Gentleman had stated, and the accusation was rife, that

there was some secret influence which ruled the Colonial Department. He did not think the noble Lord was one likely to have his judgment set aside by an anti-colonial influence; and for his own part he could only say, that no Paper passed through the Colonial-office of any sort or kind which did not come immediately under his own eye, and become subject to his own examination. To this particular question of Immigration in the West Indies—of the supply of labourers—since he had the honour to be in the Colonial-office he had given the most constant and unremitting attention, and examined every part of it, with an earnestness, not inferior, he trusted, to that of the noble Lord who had preceded him.

Lord *J. Russell*: Sir, I think my hon. Friend was quite justified in putting the questions to the noble Lord that he has done, as a large increase of experience has been brought forward on the subject, by the right hon. Gentleman the Chancellor of the Exchequer. With respect to my hon. Friend's observation on the subject of a covert influence in the Colonial Office, I can only say, while I was in that office I paid, on all occasions, the best attention I could command to every point that came under my notice; but while I entertained the greatest respect for the opinions of those gentlemen who were already in office, and I must here bear testimony to the willingness with which they furnished me with every information in their power, I hope I always decided those questions that came before me on my judgment. With respect to the emigration from Africa to the British Colonies, when I was in office I wrote a despatch to Sir John Jeremie on the subject. That despatch contained certain regulations in reference to it; but these regulations were only intended to be temporary, and applicable to that immediate moment. I am glad, however, to find that the noble Lord has extended them. As no emigration had taken place from that quarter previously, it required a great many regulations and checks that there is no need for now; and I am gratified to see that this is the view of the question, as it stands, taken by the noble Lord on the present occasion. With regard to the introduction of Coolies into the Mauritius, I confess I was surprised at the statement made by the noble Lord, that the present Government had introduced them, for the first time, into a British Colony. [Lord *Stanley*: First removed the restriction imposed on their introduction.] Lord Glenelg proposed an Order in Council, while he was Colonial Minister, admitting Coolies into British Colonies; But that Order was overthrown in this House by the hon. Gentlemen opposite, some of whom are now Members of Her Majesty's Government. In the year 1838, the right hon. Baronet the Home Secretary suggested that the best mode of proposing it was to introduce a Clause into a Measure then before the House; but on that occasion the hon. and right hon. Gentlemen on the other side of the House came down in force, and defeated him on the Clause. I am glad, however, that they have changed their minds on the question, though I believe that they had no difficulty on that point. I believe that their object in defeating it then was to overthrow the late Government, and, not being scrupulous as to the means so they reached the end, they considered that question would do as well as any other. No doubt the present Government were in a position to introduce Coolies into British Colonies for the first time, because, being then the assailants of the late Government, they could not meet with any opposition from them now on a question which they themselves had originated. But this discussion has formed an episode in the business of the debate—and I shall now allude at once to the great subject of the Budget—namely, the introduction of Foreign Sugar into this country. I quite agree with all the objections urged to the plan of the Government by my right hon. Friend (Mr. Labouchere) near me. If Her Majesty's Government have made up their minds as to the introduction of Foreign Sugar, it would be far better for them to say so at once, broadly and boldly, than attempt to draw distinctions between Slave-grown and Free-grown Sugar, which are absurd in theory and impossible in practice. It is, besides, vicious in principle. If I wanted a proof of that fact, I should not require any other than that furnished in the speech of the Chancellor of the Exchequer. That right hon. Gentleman said that he had no hostility to Brazil; but on the contrary had given facilities for the introduction of its Coffees. Now, Sir, I cannot understand that nice and timid morality which shrinks with horror and

dismay from Slave-grown Sugar, and yet which admits, without squeamishness or scruple of any kind, Slave-grown Coffee. What is the difference, in fact or in morals between them? It may be said, that the labour employed in the production of Coffee is lighter than that on Sugar. But that is not the point. You wish to discourage Slavery and the Slave Trade; and Slave-labour is quite as objectionable in one form as in another. It is likewise objectionable in principle to draw distinctions between Slave States and Free States; but how much more so to draw any distinction between employments. This, would, indeed, be a most intolerable interference on our part, and one which would raise up a host of enemies to us. Besides it would be impracticable. We shall have Sugar from Brazil and Havannah, introduced by way of America or other States, in the same manner as Coffee, which, by the statements of the Import Committee, made the voyage to the East Indies and back to England to avoid the Foreign Duty, and came in paying the duty levied on East India Coffee. Some Sugar might be easily sent beyond the Cape of Good Hope, and then it could come in as East India Sugar. As to competition with the West Indies, the idea was absurd. There were 200,000 tons and upwards from all the British possessions imported annually into this country, and there were 90,000 tons, or thereabouts, subject to foreign duties. That being the case, I can come to no other conclusion than that the Government are introducing a Measure which they are conscious cannot hold water. The consumer will be benefitted to some extent, however, by it; but having made one step in the right direction, the Government will ultimately take the others—and finally introduce the Bill proposed by me in 1841, with this difference, that instead of 34*s.* and 36*s.* as I had it, they will have 24*s.* and 26*s.* I foresee that this will be the case, and at no very distant period. The plan they now propose may be useful to them when that time arrives. It may cover their inconsistency for a year or two — but the House would find that all their plans would finish in admitting Foreign Sugar at only a small differential duty. And then they would have the right hon. Gentleman the First Lord of the Treasury announcing his great principles of 1842; and stating that they were then to be brought forward and applied to the case of the country. These great principles enumerated by the right hon. Gentleman on that occasion were very convenient ones. Some of them were applied in 1843 to the tariff; and when at no distant day they shall also be applied by him to sugar, timber, and corn, he will only have occasion to remind the House of his axiom, to buy in the cheapest market and sell in the dearest, and to tell them that as we applied them to herrings, spice, and onion seed formerly, so now he should apply them to sugar. I hope that this will be the case, and I believe it. With respect to the financial statement of the right hon. Gentleman, I congratulate the House and the country on the gratifying surplus it has exhibited—a circumstance at once provocative of pride and pleasure on the part of the Chancellor of the Exchequer, and of the country. Not agreeing with the criticisms which have been passed on the military expenditure of the country, I must say, that I think the votes of this year do not go beyond the necessities of the State. My right hon. Friend, the Member for Portsmouth, stated, that the conclusion to which he came, from the statement of the Chancellor of the Exchequer, was, that it was the intention of the Government to keep up the Income Tax for the five years originally mentioned by the right hon. Baronet; and he rightly argued, that if such were the case, the Government should have made greater reductions. I think that the right hon. Gentleman should certainly have taken one of two courses in this matter. If he saw that the Income Tax could be safely taken off next year, he should, notwithstanding the unpopularity of the Act, take off very little taxation this year. But if, on the contrary, he saw reason to continue it—and the Government must have formed a decided opinion on the subject by this time—then he should propose such larger reductions now as would benefit trade and commerce, and enable the country to pay that tax for the additional time. However, the right hon. Gentleman has done nothing dangerous to the country in the reductions he has proposed. With regard to wool, it is gratifying to find a reduction; and also with regard to coffee. Independent of the advantages to the consumer, it is gratifying also, because it proves that the principles of the tariff of 1842 are not abandoned, but that there is every probability

they will be extended so as to embrace free-trade in the fullest sense of the word.

Colonel *Sibthorp* believed, that if an angel came down from heaven to take the post of Chancellor of the Exchequer, he would not be able to please all parties in that House. It was not, however, for the fallen men on the other side to taunt the right hon. Gentleman who filled that office in the present Government. That right hon. Gentleman had not held out promises of a repeal of the Income Tax; but when they were in power they promised everything and performed nothing. Discretion, he had heard as a military man, was the better part of a general; it was also the better part of a Minister; and his right hon. Friend did well to ascertain his ground before he built castles in the air. There had been many reductions made by his right hon. Friend that were not necessary, while some things that were had not been touched. He did not support the reduction of the duty on balsam capivi, because he did not need it. He was glad at the proposal to reduce the duties upon marine insurance, but he should have been more pleased if the principle had been extended to fire insurances, for this was a tax of a most burthensome description, amounting to no less than 200 per cent. upon the premiums, and consequently proving a discouragement to the practice of prudence. The tax originally was only 6*d.* per cent., then it was raised to 1*s.*, and now it was 3*s.* per cent. The net produce was 900,000*l.*, and he undertook to say that if the duty were again reduced, the practice of insurance would so much increase that there would be actually no loss to the revenue. With regard to the article of wool, he felt bound in justice to the right hon. Baronet at the head of the Government, to say that he (Colonel Sibthorp) had received a letter from his agent in Lincolnshire, one of the most extensive farmers in the Kingdom, who stated, that at their late April fair, there had been a great improvement in the sale of farming stock.

Mr. *M. Phillips*, after the speech of the hon. Member for the North Riding of Yorkshire, felt bound to say a few words. He could assure the House that he felt no jealousy of the wool trade. He rejoiced to think that in the reduction of the duty upon the article of wool, some progress was being made in the right direction; but when he considered the extensive use which was made of raw cotton in an important branch of the manufactures of this country, he could not but express his regret and disappointment that the same liberal principle had not been applied to it also. This article was chiefly grown in the United States, where also it was manufactured very largely. He believed that they consumed not less than 400,000 bales; and it should be borne in mind that the duty which the manufacturers of this country had to pay upon the raw material was saved to the American manufacturer. The freight also was saved. And this saving was not only upon the quantity of the article which was actually converted into manufactured goods, but upon the waste incurred in the process, which he believed was not less than one-eighth of the whole. The proportion of the manufactured goods retained for consumption in this country was not very large; and in disposing of the remainder, which was exported abroad, they were exposed to a very strong competition from foreign manufacturers. With regard to the scheme of legislation now in progress in reference to factory labour, he could not help remarking that he thought that the whole subject of our manufactures and manufacturing interests ought to be taken together in one view, before any legislation upon the subject should be attempted. They should not look at any one branch or feature of the case, they should look at the whole state of the trade, in all its different branches, cottons and printed calicos, and he was sure that upon doing so it would be found that there was nothing which we could afford to lose. In his opinion a very great boon was conferred upon all who were engaged in this most extensive branch of our manufactures by taking off the duty upon the raw material of cotton. It appeared by returns before the House that we carried on our manufactures in this article at a disadvantage of 20 per cent. at least, in comparison with the Americans; and the duty incurred an additional disadvantage of not less than 7 or 8 per cent. It was only by the extraordinary cheapness of the rate at which our manufactures were carried on, that we were able to compete at all in the foreign markets. He repeated, therefore, that he thought it most important that this duty should be removed, and he must confess

that he had entertained a sanguine hope that her Majesty's Government would have proposed its reduction at the same time that they did that upon sheep's wool. It had been said, that if we took off the duty upon raw cotton, the Americans would add the amount to the price in their markets. He must say, however, that if there were those who believed that such could be the case, he was not of the number. With respect to the proposed alteration in the article of vinegar, not being aware of the details of the matter, he should not offer any opinion. With respect to the duty on marine assurances, he must congratulate the country upon the reduction of what he had always considered a most injurious and improvident exaction. Under the existing system he had seen, with pain, many of our merchants compelled to insure their ships and cargoes at Hamburgh and other foreign towns, in consequence of the oppressive nature of this duty. For one, also, he agreed with the hon. and gallant Member for Lincoln, when he expressed a wish that the principle of reduction had been carried to fire insurances also. He hailed with satisfaction the reduction of the duty on glass, as one well calculated to be of service to the trade of this country. With respect to coffee, also, he was glad at the reduction proposed to be made, being favourably inclined to a reduction upon articles of consumption generally. But he must say, that when he applauded this reduction in the matter of coffee, he was disappointed in regard to the article of sugar. He really was at a loss to understand the principle of morality upon which the duty upon coffee should be reduced, and that upon sugar retained. He did not think it could be done upon grounds which would at all satisfy the country. He could see no morality nor consistency in the grounds upon which our protective sugar duties were continued, particularly in regard to the Brazils. It was a mere pretence to say, that we would not trade in slave-grown sugar, nor exchange our goods for it, when the Brazilians could send their sugar to any market on the Continent, and receive bills in return, which they gave to us for our goods. We were thus still receiving the produce of slave-labour in return for our manufactures, though in a roundabout way. He believed, that the sooner we gave up these props to particular interests, concealed as they were under the guise of morality, which was no morality at all, the better it would be for our manufacturers and the country at large. He trusted that this vicious principle would be abandoned before long, and then he was sure that we should see our commercial relations with foreign countries established upon a firmer and more profitable footing. With respect to the Income Tax he had told his constituents that he was anxious to adopt any measure of the kind which would remove part of the burthens from industry to the shoulders of those who could better bear it. He thought that the surplus which at present existed in our finances, might be made use of to effect a reduction in many duties which pressed upon the industrial classes, and with much more advantage than it would be if locked up in the cellars of the Bank of England.

Sir *H. Douglas* said, he partook very largely of the satisfaction which the Committee had very generally manifested on the gratifying and very cheering statement of his right hon. Friend the Chancellor of the Exchequer; and would, at that late hour of the night, have contented himself with joining in the acclamations with which the Financial Statement of his right hon. Friend had been greeted, did he (Sir Howard) not feel called up by the deep interest which he took in the welfare of the Ionian Islands, and the Greeks generally, whether of the Islands, or of the Monarchy, to express the very great pleasure and satisfaction at the boon announced by his right hon. Friend to both those interesting countries. From his (Sir Howard's) long and intimate connection with the Ionian Islands, he felt himself, in his position in this House, a sort of virtual representative—at all events, a faithful and stedfast friend and advocate of their interests; and, accordingly, heard this announcement with infinite satisfaction. Should the Committee be pleased to sanction the proposition, he (Sir H. Douglas) might congratulate his noble Friend, the Secretary of State for the Colonies, on the very agreeable and important communication which the noble Lord will have to make to his (Sir Howard's) noble and gallant Friend, the Lord High Commissioner, and which will arrive at an opportune time, considering the great depression in which the affairs of the Ionian Islands have for some time been involved; and afford that distinguished

person additional means and facilities for discharging his important duties, for the improvement of the Ionian Islands, in a manner due to his high reputation—to the honour and credit of this country—promoting the prosperity and deserving the gratitude of the Ionian people.

Mr. *C. Wood* expressed his satisfaction at the reduction of the duty upon wool. He believed that there was no article of raw produce upon which reduction could have been made with more advantage to the manufacturers of this country; and he had no doubt that the Government would find that they would reap an equivalent advantage in the increased consumption of Exciseable articles which would be the consequence of the increased employment of the industrious poor. At the same time he concurred with the hon. Member for Manchester, in regretting that the principle of reduction had not been extended to cotton. The right hon. Gentleman had stated that night, that it was even now difficult to judge of the effect of the reductions of duties which had taken place in 1842—and if further reductions were now to be made, it was clear that at the expiration of the five years during which it was understood the Income Tax would be continued, they would be in the same difficulty, and the same argument would be urged that sufficient time had not been given to ascertain the result of those reductions permanently upon the Revenue of the country, and, until that was done, it would be dangerous to give up the Tax upon Incomes.

Viscount *Howick* wished to say one word as to what had been the result of the export duty on coals. It was impossible at that moment to discuss the question satisfactorily, for although last year a Return had been ordered on the Motion of his hon. Friend, the Member for Swansea, as to the amount of coals shipped to foreign countries during that year, distinguishing their several sorts, that Return had not yet been presented. At the present time, only a partial Return had been made, and the House had, therefore, no means of judging of the operation of the duty. He could, however, state that that duty was operating most unfavourably to the coal trade of this country, and was one of the principle causes of those difficulties which had led to the unfortunate state of things now existing between the coalowners and their workmen. He would only further, on the present occasion, express his perfect concurrence with his hon. Friend the Member for Northumberland, in regretting that the Government, with such a surplus, should have determined to continue a tax producing an amount comparatively so paltry, but which affected materially a large and important branch of our trade.

Captain *Pechell* was one of the few persons who were discontented with the right hon. Gentleman's Budget. He thought, with such a surplus in their hands, the Government might have taken into their consideration the window duty, which pressed most heavily upon the middle classes, with a view either of repealing or reducing it.

Mr. *Hindley*, while congratulating the Chancellor of the Exchequer upon the fact of his having a surplus income to deal with, must express the satisfaction he felt that the surplus arose from property, and not from the oppression of the poor.

Lord *H. Vane* regretted that the expor duty on coal had not been repealed. The coal trade and the shipping interest had suffered materially by that duty, and he hoped, at all events, Government would take it off next year.

Resolutions agreed to. The House resumed.

House adjourned at a quarter to twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 30, 1844.

MINUTES.] *Took the Oaths.*— The Lord Bishop of Killaloe.

BILLS. *Public.*—1ª. Bailiffs of Inferior Courts.
2ª. Creditors and Debtors.
Private.—1ª. Stone's Estate Bill.
2ª. Manchester and Leeds Railway (Heywood Branch).
Reported.—Hartlepool West Harbour and Docks; Furness Railway.
3ª. and passed:—Durham County Coal Company; Eastern Counties Railway (Brandon and Peterborough Extension); Lancaster and Carlisle Railway.

PETITIONS PRESENTED. By the Marquess of Normanby, from Donegal, and a great number of other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland. — By the Marquess of Exeter, and the Marquess of Salisbury, from Doddington, and 5 other places, for Protection to Agriculture.— By the Bishop of London, and the Earl of Rosebery, from Manchester, and several other places, against, and by the Duke of Richmond, and Lord Campbell, from Brighton, and 14 other places, in favour of the Dissenters Chapels Bill. — By Earl Brownlow, from Northampton, and 4 other places, against the Union of St. Asaph and Bangor.—By the Earl of Aberdeen, from King's College, Aberdeen, against, and from Mull, in favour of the present Laws relating to Scotch Universities.—From Penryn, for the Adoption of a Measure for the Better Recovery

of Small Debts.—From Schoolmasters of Scotland, for Improving their Condition.—From Prisoners of Lincoln, and 2 other places, in favour of the Creditors and Debtors Bill.

ECCLESIASTICAL LEASES.] The Duke of *Richmond* on presenting a Petition from a number of Gentlemen in the County of Sussex, interested in lands and hereditaments held under Ecclesiastical Bodies, said, the Petitioners complained of the hardship and losses to which they were exposed in consequence of the manner in which the lands of suppressed Ecclesiastical Corporations were administered by the Commissioners. Formerly it was nearly a matter of course to procure the renewal of a lease for lands held under Deans and Chapters, and Prebendaries, on payment of a fine; the Prebendaries rarely refused to put in another life, because they did not like to run their life against two or three others, and the Petitioners had taken this property before these Bodies were suppressed, under the impression that their leases would be renewed. But when, under the Act of Parliament, the Prebends were suppressed, and the lands fell into the hands of the Ecclesiastical Commissioners, by whom they were in future to be managed, it had become the practice for the Commissioners to refuse to renew. The consequence was, that the value of the property held by these Gentlemen, and the improvements they had made on their lands was very materially impaired. Now, it appeared to him to be nothing more than just, that parties holding such property should be entitled to a renewal of their leases, or should have a fair allowance made for such improvements as they had effected on the estate. He thought that the renewal of the leases of the property which had been so held by the Petitioners and their ancestors ought not to be refused, considering that by such a step prejudices would be raised in the minds of many against the ministers of the Established Church. The landed proprietors had made considerable sacrifices when they were called upon to assent to the Tithe Commutation Act, being most desirous of getting rid of that animosity which had been occasioned in the minds of many persons, on account of the differences occasioned by the law as it stood previously to the passing of the Commutation Act, and he should regret very much indeed if the present system adopted by the Ecclesiastical Commissioners should be instrumental in raising up a similar feeling as regarded the Established Church. In the County of Sussex there was a friendly disposition evinced towards the Church of England; many persons subscribed liberally towards furnishing means of providing religious instruction where it was most required, but he was apprehensive that if the Ecclesiastical Commissioners went on dealing with the property in question in the way they had hitherto done, the consequence would be lukewarmness, if not a stronger feeling, would be displayed on the part of those who were sufferers. He need not tell their Lordships that such property had become the object of settlements, and other acts had been exercised by its possessors; consequently any alteration in the mode of dealing with it by the Ecclesiastical Commissioners, on a life dropping, would be attended with not only inconvenience, but considerable pecuniary loss. He understood that the Commissioners were borrowing money at the present moment; but if they chose to renew those leases for lives, there would be no necessity for their borrowing money. He trusted that the subject would meet with the grave attention it deserved, and something would be done with a view of altering the practice which was now carried into execution by the Commissioners, which he must consider to be unjust.

Lord *Wharncliffe* said, it was but fair to consider the object for which the Bill, vesting the management of the Deans and Chapters' lands in the hands of the Commissioners had been passed. It was universally admitted that the property of the Deans and Chapters had been exceedingly ill-managed, and that the Church did not receive from it anything like its real value. When the property was vested in the hands of Commissioners for its better management, it was clearly their duty to make the most they could of it. It might be very true that the parties might have taken their lands under the idea that the leases would be renewed; but when the property came into the hands of the Commissioners, their duty was to render their trust as beneficial as possible. The Prebendaries were always very ready to renew leases for lives, and receive the fines; but no man could say that the best way of letting land was to let it on lives, if it were decided not to let it on lives the only other way was to let it for a term of years, or to dispose of it for a perpetuity. Persons holding this land, it should be remembered, were not obliged to accept a short term; there was in all cases the option to purchase the reversion, and it was the

fault of the holder if he did not do so. The Commissioners were not fairly blameable for resolving to make the most of the property for which they were trustees; but where an application was made to purchase a reversion he (Lord Wharncliffe) entertained not the slightest doubt that there would be every readiness on the part of the Commissioners to give it a favourable reception.

The Bishop of *London* said, that, having taken an active part in the business of the Commission, he was ready to justify their proceedings in this matter. The parties who complained had an opportunity of purchasing. There were several cases in which the Ecclesiastical Commissioners had offered the tenant in possession to renew, and no notice had been taken of the offer. It had been for many years the subject of complaint with the friends of the Church, and of triumph to its enemies, that its property had been grossly mismanaged, that part especially which was in the hands of Corporations, and more particularly Ecclesiastical Corporations sole, which were under great temptations to accept such a fine as was offered to them for the renewal of the lease, because if they did not they lost all the benefit derivable from the property. When other measures of Ecclesiastical Reform had been passed to apply the Church property to purposes of religious instruction and pastoral superintendence, would it have been just to leave this portion of Church Property in the same state in which it had remained for centuries before? It had been found necessary to suppress these prebends, and to place the management of the property in the hands of the Ecclesiastical Commissioners, for the express purpose of applying the proceeds to Parochial purposes. That being the case, would not the trustees be justly liable to blame, if they did not make the most of that property? When measures of Church Reform were brought forward, and when Parliament was appealed to on the subject, they were met by such observations as these: Why do you allow the property of the Church to be so mismanaged? Before you appeal to Parliament you should see how the funds belonging to the Church are applied? The Ecclesiastical Commissioners were bound, as trustees of the property submitted to their management, to obtain as much for it as they could. Would any of their Lordships, if they were trustees for the property of others, not use their best endeavours to obtain the most for it? If they did not they would undoubtedly be guilty of a dereliction of duty. It had not been the practice, so uniformly as was sometimes supposed, for prebendaries to renew a lease in every case in which application was made to them. He knew some who had refused to renew on account of the smallness of the fines offered, and others who did so from a sense of the injustice of this system to the interests of the Church. If the noble Duke's principle were correct, it would be right to pass an Act to make renewal of leases compulsory on Deans and Prebendaries, and other Ecclesiastical Corporations, as well as on the Commissioners. The noble Duke seemed to think that these leases ought to be renewed as a matter of course. But, if that were the case, why should the management have been placed in the hands of the Commissioners? The Commissioners felt themselves bound to carry out what they conceived to have been the intention of the Legislature, by making the most they could, without acting with injustice, of the property placed in their charge. In what sense did a person who was in possession of property, and who refused to lease it, commit an injustice? Would any of their Lordships act unjustly if they refused to continue leases which had been granted by their ancestors without a due regard to their own interests, or the interests of their successors? He believed that many of their Lordships had, within the last twenty years, pursued a similar line of conduct to that for which the Ecclesiastical Commissioners were now censured. But he begged to call the attention of their Lordships to the course which had been pursued in this respect by the Crown,—a course which, he conceived, fully justified the conduct of the Commissioners. The Crown, under the Administration of a noble Earl opposite—an Administration characterized by remarkable faithfulness and justice, refused, throughout the whole extent of its property, to grant any life leases; and he believed that the Crown had now nearly, if not entirely, got rid of its life leasehold tenants. If it was right that the Crown should adopt such a course, surely the Commissioners were not acting unjustly in pursuing a similar line of conduct, not for their own benefit, but in order to make better provision for the religious instruction of the people. Although the Commissioners were determined not to grant new leases for lives—being satisfied that that was an

improvident mode of dealing with a most sacred description of property, they were desirous, where it could be done without injury to the interests of the Church, to make such arrangements with regard to leases as would be as satisfactory as could be expected under the circumstances to the present holders of leases under the Church. They had, in some cases, offered to purchase the interest of the lessees; but those parties could not claim more than a fair and equitable sum, and if the Commissioners were ready to give that, how was injustice committed? On the whole, he did not scruple to defend the Commissioners, as acting not only in consistency with the law, but with justice,—with a due regard to the interests of the Church, and under the sanction of a precedent established by those to whose hands the interests of the Crown had been confided.

The Marquess of *Clanricarde* thought the case of the petitioners one of very great hardship. The powers of the Commissioners were not of old standing, but granted only a very short time ago, and if such a speech had been made when the Bill was before the House as their Lordships had just heard, there could be little doubt that a limit would have been placed on their powers. It was impossible not to observe the contrast between the principles just declared and the one which had been enunciated in their Lordships' House when the Landlord and Tenant Bill was under consideration. The right Rev. Prelate had said that it was the sole duty of the Commissioners to make the most of the property of which they were the administrators. He (the Marquess of Clanricarde) would venture to say that there were no other proprietors in this kingdom who so considered their duties and obligations. It was admitted that it had been a practice for years to grant renewals of these leases. Sales were effected and settlements of various kinds made, the tenure of the property, although not identical with a freehold, being such that its possession was regarded as secure for a long lapse of years, so that capital might be employed and improvements effected. He confessed it appeared to him to be a great hardship that these arrangements should be liable to disturbance by the interference of the Commissioners. It was remarkable that, while the Ecclesiastical Commissioners for England had limited powers with respect to the management of church property, in Ireland, where the practice of the ecclesiastical corporations had not been so much in accordance with justice, and where a different line of conduct might be apprehended on the part of the Commissioners, they were bound to the terms on which they were to deal with persons who came under their control. He hoped that after it had been stated in the House so clearly that the Commissioners were to look only to make the most they could of the property in their care, the noble Duke would carry out the subject, and call on Parliament to define in some more tangible way the terms on which tenants were to be treated by the Ecclesiastical Commissioners.

The Duke of *Richmond*—I understand, then, that the Commissioners, will, at the present moment, allow any individual to purchase the reversion. [Lord *Wharncliffe:* Provided.] A proviso makes a wonderful difference. He hoped that some benefit had been derived from this discussion; for he understood that, except in very extraordinary cases, the reversion might be bought directly. He admitted that the Church property had been mismanaged under the old system, but he was afraid that its management would not be improved under the present board of Commissioners. He believed that there was no tenant of the Crown who would not far prefer being a tenant of one of their Lordships than continuing under the Crown. The landed proprietors of this country had made a great sacrifice in agreeing to the commutation of tithes, and their object in consenting to that measure was to remove any ill-feeling which might exist between the tenantry and the clergy; but he thought that the Act under which these Ecclesiastical Commissioners were appointed had opened a new source of disagreement, which he feared would be most disadvantageous to the interests of the Established Church—a church to which he was as strongly attached as any of their Lordships.

The Earl of *Besborough* believed, that the tenants of the Crown were perfectly satisfied with all the arrangements which had been made with respect to them. He considered that this mode of dealing with the Crown property was so advantageous, that when her present Majesty succeeded to the Crown, he recommended that all the leases on the Cornwall pro-

perty should be allowed to run out. He did not see why the Ecclesiastical Commissioners should not adopt a similar course in dealing with the Church property.

The Bishop of *London* said, that every proposal made to the Commission by the holders of leasehold property would receive the careful attention of the Commissioners. With respect to the statement that the Commissioners had made the most of the property, he should only say, that he hoped all trustees of property for charitable purposes would act as they had done, with a view to the proper and efficient discharge of that trust.

The Duke of *Richmond* said, he had been in office himself, and therefore he understood very well the meaning of giving a proposal "respectful attention." It often meant reading the proposal and returning a civil answer, perhaps a refusal. He wished to know would the Commissioners consent to allow the purchase of any of this property at a fair value?

Lord *Wharncliffe* said, that the Commissioners ought to have an option as to whether they would give their consent to the purchase or not; they ought not to be bound to agree to every such application.

The Bishop of *Exeter* said, he had been opposed to the original appointment of the Ecclesiastical Commission, and perhaps his experience since had not been calculated to induce him to alter the opinion he formerly entertained. The question here at issue was not, however, a question between the Ecclesiastical Commissioners and lessees, it was a great question in which the best interests of the community were most materially concerned. Was there any evil greater than the want of spiritual instruction, and could any question be of more importance than one which affected the means of providing for that spiritual instruction? It had been said that family settlements had been made in the confidence of the renewal of the leases of those properties. What, he would ask, was the prices paid for those leases? Was it not a price less than that which would be paid if there was a certainty of instant renewal? The parties always knew—they always must have known that there were possibly in the womb of time events which eventually brought forth, would involve the necessity of refusing the renewal of those leases. Every friend of religion must perceive the necessity of making funds available for the purpose of providing additional relief for the spiritual instruction of the people.

Petition laid on the Table.

Portpatrick Harbour.] The Marquess of *Londonderry* wished to ask the First Lord of the Admiralty whether it was the intention of Her Majesty's Government to take any Vote in the Estimates this year for the purpose of being applied to the harbours of Donaghadee and Portpatrick.

The Earl of *Haddington* said, that in the Estimates of last year a sum was voted for the purpose of preserving the harbour of Portpatrick from decay, but there was no intention this year of asking for any sum to be applied to either of those harbours. Mr. Walker, the Civil Engineer, had been sent down to report on the harbour of Portpatrick, and he reported that a certain sum would be required for the purpose of preventing the dilapidation of Portpatrick Harbour, and that another sum would be required, in order to deepen and improve the harbour by dredging. The first named sum was voted, but the second was not, nor was any pledge given to retain it permanently to the exclusion of all others.

Creditors and Debtors Bill.] Lord *Cottenham*, in moving the second reading of this Bill, said, that imprisonment for debt, as a primary step and on mesne process, had been abolished some time, but it was still retained as a final measure, and for executing a judgment. His object in the Bill, the second reading of which he was now about to move, was to extend further the principle on which, in 1838, imprisonment on mesne process had been abolished, and finally to abolish altogether imprisonment in actions for debt. If he were asking their Lordships to adopt this conclusion from any opinions which he had formed himself, or from any arguments which he could adduce, independently of the great authorities to which he had to refer, he should feel that he was undertaking a task attended with considerable difficulty; but when he had laid before their Lordships the very high authority upon which he now asked them to give their assent to this proposition, he felt very confident that they would not refuse their assent to a proposition which was due to

humanity, and which was equally essential to the due administration of the law between debtor and creditor; in short, he was perfectly satisfied, that if their Lordships would favour him with their attention, he could not only prove that the law, as it now stood—imposing imprisonment on a judgment against a debtor—was utterly useless for the purpose of securing payment of the debt, but that it was so inconsistent with everything that had taken place of late years for the amendment of the Law between Debtor and Creditor, that it could not, by possibility, be permitted to stand any longer as part of the law of the land. Before he opened his case further to the House, their Lordships would permit him to refer to two reports upon which he grounded the argument in support of the present Motion. The first was a report in the year 1832, by a Commission appointed for the purpose, during the time his noble and learned Friend on the Bench behind him (Lord Brougham) held the Great Seal. They made a Report dated 1st March, 1832. His intention at present was only to refer to the names appended to that Report, that their Lordships might see the great weight to which that Report and the opinions of the Commissioners was entitled. The Report was signed by Sir Frederick Pollock the present Chief Baron of the Exchequer, by Mr. Starkie, and Mr. Wightman, the present Judge. Not only was the Report extremely conclusive in the arguments which it used, but it referred to a mass of evidence which these Commissioners had had before them, to which, if any of their Lordships might think it necessary to refer, they would be satisfied that the conclusions to which the Commissioners came were supported, not only by reasoning, but by the authority of the witnesses whom they consulted. The other Report was of a much later date—viz., in July, 1840. Notwithstanding the weight due to the Report of 1832, there were certain points, upon which, when he had the honour of holding the Great Seal, he thought it essential that some further information should be obtained. He also thought it most essential in an inquiry of this kind, involving peculiarly the commercial interests of this country, that that inquiry should be conducted, not only by lawyers by profession, but by persons of the greatest eminence in the commercial world. The Law of Debtor and Creditor was one which peculiarly affected the commercial and pecuniary interests of the community, and he, therefore, thought it essential that there should be appointed on the Commission individuals of eminence connected with those interests, and he thought that when he stated the names of the individuals signing the Report, both as coming from the profession of the law, and from the class of persons whom he had just described—viz., commercial men in the City of London, their Lordships could not but feel that the opinions they had expressed and the conclusions to which they came, were entitled to the greatest consideration. If their Lordships should have formed any opinions adverse to the conclusions to which they came, he thought they would think long before they would feel disposed to give weight to those prepossessions of their minds as opposed to the conclusions to which these men had come, stating their opinions from their experience of commercial affairs. His object was, that in the appointment of the Commission there should be persons of eminence connected with the commercial interest, and persons of the profession of the law, who were most conversant with the subject which was to form the immediate ground of inquiry. Their Lordships would find that the report was signed by the present Mr. Justice Erskine, who, their Lordships were aware, presided for several years as the head of the Court of Review. Sir Joshua Evans, J. M. Fonblanque, Edward Holroyd, persons distinguished as well for their abilities, as for their knowledge of the subject: then came the names of some Gentlemen in the City of London; and when he stated the names of Wynn, Ellis, Benjamin Hawes, George Carr Glyn, and Horsley Palmer, he was sure their Lordships would be of opinion there could not well be a body of men whose opinions were more likely to be just. There was also this peculiar advantage attending both these Commissions, that, singular as it might be, there was upon each one dissentient Commissioner who did not agree in the opinions promulgated in the report, and each dissentient assigned his reasons for so disagreeing. On the first Commission, Mr. Serjeant Stephen dissented from the report of the Commissioners of 1832; and on the second, Mr. Law, one of the Commissioners of the Insolvent Debtors Court, dissented from the other Commissioners. That was an advantage, for this reason, that it would show that there was not a set of men collected together all of one way of thinking, but in each case one of

the body differed from the rest, naturally suggesting what might occur adverse to the opinion of the majority, and obviously inclined to bring before the body of the Commissioners any evidence which might be calculated to support the opinion he had formed in opposition to the opinions of the majority. Both these learned persons had done that which was extremely beneficial; they had communicated separate papers, stating their reasons for dissenting from the proposition which had been entertained. Those papers were extremely valuable, inasmuch as they contained much useful information, and pointed out to any one who would take the trouble of reading the reasons for their dissent as opposed to the conclusions of the Commissioners. That which he asked their Lordships to carry into effect by the Bill on their Lordships' Table was recommended by the second of these Commissions—it was recommended as far as the main point—viz., the abolition of Imprisonment for Debt in execution by both, but many of the details not under the consideration of the first Commission were under the consideration of the second, and there was nothing askedi n the present Bill which had not been submitted to and approved by the Commission which made a report in 1840. In asking their Lordships to adopt the course of abolishing Imprisonment for Debt, he thought it his duty to put their Lordships in possession of the facts described in the first of these reports, and adopted by the second. Those who were not familiar with scenes of misery in prisons, who did not trace the unfortunate debtor to his home, and see the effect produced on him, and the ruin in which his family were involved, might not be able to picture to themselves a scene of misery equal to what was described in these reports. It was not only the effect on the unfortunate individual which was to be deplored, but it was the effect on all those who were dependent upon him—the evils consequent on imprisonment in gaol, the habits to which it gave rise—evils of which we had heard so much, and to diminish which such care had been taken, but which still existed in a very great degree. He would refer their Lordships to a passage in this report, which well described not only the misery which the debtor endured but the evil consequences which were entailed on him. Their Lordships were aware that these reports were made, not on the state of the law as it actually existed, but after the Insolvent Courts were in operation, and, therefore, after the law had ceased, which, under certain circumstances, might keep the debtor in prison for life. The report stated,—

"If a debtor be once consigned to a gaol, his fate may usually be considered as decided: cut off from his business, his family, his home, deprived of the means of honest exertion, shut up in a gaol, his affairs if bad before, are now become desperate, whilst confinement impairs his health, a sense of degradation weighs down his mind, and whilst he is tempted to raise his sinking spirits by temporary dissipation amongst depraved associates, he becomes bankrupt in morals as well as in his estate. For proofs of the cruel and afflicting sense of degradation felt by many of these unfortunate persons who have been subjected to imprisonment for debt, and of the conviction that such imprisonment fixes an indelible stain upon their future character, as well as the pernicious effects of such imprisonment upon the habits and morals of prisoners, we have referred to the sources from which such information may be the best derived, the statements of prisoners themselves and of gaolers who have had them in custody."

There was one more passage which he could not abstain from stating, because it applied to the effect of the law under the operation of the Insolvent Debtors Act. It stated that the law left the debtor exposed to all the evil consequences to which he was liable before the passing of the Act; that by an imprisonment of two or three months, or of shorter duration his habits of honest industry were interrupted, his connections in business were broken off, and he was compelled to associate in idleness with the dissolute and depraved. There were several other passages in the report, all in the same tone, and all indicating the strongest opinions of the cruelty, injustice, and misery which resulted from the law of Imprisonment for Debt. The Commission which sat in 1840 referred to these passages, adopting them in every point, and stated that the result of their deliberations upon the subject had confirmed them in the same opinion as had been expressed by the former Commission. They had then the authority of all these Commissioners, who were lawyers and commercial men, who, of course, were persons most interested in the investigation of those evils which were connected with this law. His noble and learned Friend (Lord Brougham) had reminded him of a point connected with the subject of imprisonment on mesne process and final process. If their Lordships considered the subject calmly, they would no doubt be of opinion, that arrest under final

process was that which ought to have been abolished in preference to arrest upon mesne process, which opinion was borne out by the authorities to which he had already referred. He had another authority still higher to which he would refer, and that was no less than the authority of Parliament itself. In the recital of a Bill which had been passed in the Session before the last, the preamble of it was in these words:—"Whereas it is expedient to protect parties from imprisonment by the issuing of process for debt, except in such cases as where persons were indicted for fraud or culpable negligence." That was the preamble of a Bill which was supported by Her Majesty's Government, and became the law of the land in that Session. If he could prove that this law of imprisonment was not a necessary evil, or that it was not essential in order to retain the proper power for a creditor to obtain the payment of his debts, their Lordships would, no doubt, see that he was only asking for the removal of a grievance, of the existence of which there could not be the slightest doubt. He was not aware that there were any returns from which he would be able to state the actual number of persons that have been annually exposed to this evil of imprisonment. He found, in the Report which had been made in 1840, a statement of the number of persons who had passed through the Insolvent Debtors' Court in the preceding year and their Lordships were aware that these persons could not have passed through this Court without undergoing previously a term of imprisonment. The great grievance then which he had to complain of was that the remedy which this Act pointed out to unfortunate debtors was wholly inoperative unless they had undergone a previous term of imprisonment. From a statement of that Report to which he was now referring, it appeared that there were 3,905 persons who had passed through the Insolvent Debtors' Court in the preceding year; and he had lately seen it stated that the number who had passed through that Court in the month of March last was 412. Supposing then that number was the average of other months in the year, nearly 5,000 persons would have obtained the benefit of the Insolvent Act: the injury, however, had not only been inflicted upon this number, but also upon all those who were dependent on them:—multiplying, then, the number of those which formed the average of the families of each person so imprisoned, the law would be found to be not only a great grievance, but one which affected a very large portion of the subjects of the Crown. What he asked of their Lordships was, their consent to do away this great evil, and in doing so he was aware that it was necessary for him to show that the law was not at all necessary to sustain the commercial interests of a commercial country like this, and he thought he should be able to do so. But lest their Lordships should feel any reluctance in parting with the right of imprisoning for debt, from a supposition that it was part of the original law of this land, he would first refer to a passage from Lord Coke, in the Second Institute, page 394, in which he said that the common law of the country was, that when a subject was suing out an execution for damages in a debt he should not have the body of the defendent in execution, and the reason of the law in this respect was, that the remedy in case of debt should be to obtain the property, but to leave the individual himself at liberty, not only to follow his own affairs and business, but also to enable such person to serve his King and country when required. It appeared, therefore, that imprisonment for debt formed no part of the original law of the land. It crept in by degrees—in some cases by legal fictions, in some by Acts of Parliament—until it became the general law of the land, that a person who suffered judgment to go by default should be liable to incarceration until the debt for which he was sued was paid. The law formerly stood in this most absurd state, and absurd as it was then, it was no less so now—by the old law, if a person obtained judgment against a debtor, he might either take the person of the individual if he failed to discharge his debt, or he might issue a writ against his property; but what part of the debtor's property was liable to be attached upon this writ? Only that kind of property which, in the terms of the law, were adjudged to be "goods and chattels." Now the great bulk of the property of persons in an advanced stage of society was not generally what could come under the denomination of "goods and chattels," it of course consisted of money in investments, and derived from other sources. There was, however, also a remedy provided against the other property of the debtor. The creditor might take one-half of his real estates, and by another right to which he had alluded he might take all his goods and chattels. The creditor, however, could not

get at the real property of his debtor without a writ of execution, so that in the interval the property might be conveyed away; and they all knew that a man might enjoy horses and carriages, of which, although they were not his own, he had the use, and which could be kept quite beyond the reach of his creditors. It was found, therefore, that process issued against real property was practically ineffectual, as the law furnished no means of getting at property which the debtor might possess. A remedy against the person could then only be supported upon these grounds—"We cannot reach the property, therefore we take the person of the debtor, and by imprisoning him, we impose on him a pressure in order to make him produce his property. It is within his reach and power, but not within those of the Sheriff." But what was the effect of this system? In many cases it was productive of extreme hardship and injustice to the debtor, and in some instances to the creditor. If the debtor had property he might do, and in fact often did, say to his creditor, "I can live within the rules of the prison, I can live there very comfortably and spend my income there. So long as I remain within these rules too, I am safe; you cannot touch my property." So that here was the debtor refusing to pay, and the creditor without any means of compelling him. But if, on the other hand, the debtor had no means of paying, and if he had a revengeful creditor smarting under his losses, he might be kept in prison during all his life, without any means of obtaining his liberty, for there was formerly no means of getting out of prison, unless his creditor assented. The law gave him no protection, and if an unfortunate debtor was unable to pay, his creditor might keep him in prison just as long as he pleased. That was evidently an extravagant and absurd state of the law, inasmuch as it was good neither for one party nor the other. The evils of such a law were so apparent that remedies were attempted for their removal. The bankrupt laws were then introduced, which had for their object to take the property of debtors, but to release from arrest the person. This was evidently a more desirable course to pursue than the former system, because when property existed, in such case the proper use for it to be put to was, to pay with it the debts of the person indebted. The new law went upon this principle, that if you take a man's property and pay his debts with it as far as it will go, you have no pretence for detaining his person. The only ground on which seizure of the person could be contended for, was making it a means of getting at the property. The new system was, however, confined to a particular class of the community—to those who were traders; and practically, it only operated in favour of those who were tenders to a great extent—because, as a certain amount of debt was required to be due to the creditor before he could set the machinery of process in motion, those who only owed to a small amount were not affected by it. The principle, therefore, worked in a beneficial manner only, as far as regarded a comparatively small class of persons, leaving the great body of the community without advantage from its provisions. It was evident, therefore, that something was still to be done, as all the old grievances existed in the cases of all who were not extensive traders. Following the course of events, they would see how the law had attained its present condition, and how it was necessary still further to proceed with its amelioration. About a century ago, it began to be felt that it would be impossible to leave debtors perpetually in prison; and certain acts were introduced called Insolvent Debtors Acts, not confined in their operation to traders only, but applicable to every person without distinction of class or occupation. The first measure of the kind was one of rather a rude beginning—it was an Act in Queen Anne's time, the provisions of which were these:—Any person who was in prison for a debt less than 100*l.* should be released—but on what terms? On condition of enlisting in the army. That was the law then, and the law remained for a considerable length of time. He did not know whether it had ever been acted upon, but it stood as law upon the statute book. He did not even know whether it had been repealed, or whether it was on the statute book to this day, although he certainly did not think that Her Majesty's army had been ever much recruited under its provision. Then came another Act, founded upon a better principle, certainly, but with many of its provisions quite incapable of being carried into effect. This was called the "Lords' Act," and permitted the debtor to apply for his discharge, tendering all his property in payment for his debts, which offer, if the creditor did not accept and release his debtor, he was bound to pay a certain weekly sum for his maintainance in prison. Whether

this was meant as a kindness towards the debtor, or as a measure of relief for those who could not at all events allow him to starve in custody, was a difficult question, and one into which he should not enter. The Act, at all events, gave the creditor the power of imprisoning and tormenting his debtor at the expense of 3*s.* 6*d.* per week; and if he was hard hearted enough to take a pleasure in persecuting the unfortunate man, he certainly had the amusement at a cheap rate. But there was another provision in the Act giving the creditor the power of demanding of his debtor the surrender of his property. And the mode in which this surrender was proposed to be enforced was, not as at present by taking the property through the operation of the law, but by telling the debtor that if he did not give up his property he should be transported for seven years. This was the statute called the "Lord's Act," but it was found inapplicable and incapable of correcting the grievances at the removal of which it aimed, The next step, was the adoption of occasional Insolvent Debtors Courts, when the gaols were full, an Insolvent Act was passed, releasing alike those who had been prisoners for a month only, and those who had been confined for several years. It was an uncertain, and, therefore, an unjust relief, showing, however, that the law did not consider that it was desirable that a debtor should remain in prison at the discretion of his creditor for an indefinite period. The remedy provided, however, was manifestly inconvenient, unequal, and requiring reform; and with this view was introduced what was called "Lord Reddesdale's Act." It was curious, however, to see how reluctant the Legislature were to part with the principle of imprisonment for debt. One would have supposed that after the trial and failure of so many schemes, imprisonment for debt, which this Bill curtailed and reduced, would have found few advocates. That Act contained one provision to the effect, that a debtor could not be discharged until he had been three months in prison. If the object of the law were to come at the property what obejct could there be in requiring the debtor to be three months in custody? What could be the good of such an enactment but to gratify an angry creditor? A subsequent Act, however, repealed the one in question, and by the present Insolvent Debtors Act, when a man is thrown into prison he may apply for relief, which, however, cannot be afforded until some preliminary solemnities have been gone through. The practical effect of which was, that any person taking the benefit of the Act was obliged to undergo two months' imprisonment before he could be discharged. This fact explained some of the expressions made use of in the Reports of the Commissioners, to the effect that two or three months in a gaol often left a man quite unfit for any useful occupation whatever. It was curious to observe how utterly inconsistent these two systems were in reference to the unfortunate debtor. They found two distinct systems of jurisprudence referring to the relation of debtor and creditor existing in the same country. They found the Bankrupt Law seeking to take the property and release the person of the debtor, and the Insolvent Courts Act taking the person without being able to touch the property of the debtor, except with his own consent and concurrence. The Bankrupt Law, after taking away the whole of the debtor's property, not only protected his person but also any future property he might obtain by his industry, but the Insolvent Debtors Act did the very reverse of this, and actually made all subsequent property acquired by the individual's exertions liable to his former debts. Such a law was perfectly destructive; for it first turned a man wholly penniless upon the world, and then, if by his industry he was enabled to obtain any future property, he was called upon to apply it to the liquidation of his former debts. That law was but a pure mockery of relief. There was another singular inconsistency in the two laws. The Bankrupt law as it then stood, could not be put in operation except at the will of the creditor. The debtor had no hand in the process—while in the Insolvent Court the reverse was the case, and the debtor only could set in motion the machinery of liberation. It seemed whimsical that there should be such an extraordinary contradiction between the machinery of either court. He could not help stating a change from another extraordinary anomaly which had long subsisted, and it was strange to remark how unanimously a set of views sometimes operated upon the community—how certain people were that these views were right and proper; and how, after the contrary was found to be the case, how unanimous and complete was their condemnation. Formerly, then, as he had stated, creditors could only put the Bankruptcy Laws into operation. He remembered at

an early period of his professional life when Lord Eldon presided in the Court of Chancery, that if there existed the slightest suspicion that a debtor had anything to do with the commission, or that he was a concurring party, the affair was considered to be the grossest fraud that could be committed. He had heard discussions continued days after days as to whether or not there had been reason to suspect that the bankrupt had connived at the act of bankruptcy or the commission. He had known issues directed to be tried solely for the purpose of ascertaining the truth of this charge. He (Lord Cottenham) now wished to ask why should not the debtor be a consenting party to such a proceeding, inasmuch as the sole object was to get at his property, and to have it properly appropriated? They were, however, becoming wiser than they had been, and there was now no objection whatever to a trader becoming a party to his own commission or to the act of bankruptcy. Now, a debtor might come to the Bankruptcy Court, and say, "I am insolvent, administer to my estates." It was long, however, before good sense broke in upon the Legislature in the matter, and such was the state of the law up to a very recent period. Now, their Lordships would recollect that in 1838, with the concurrence of all parties in this and in the other House of Parliament, an Act was passed of a very beneficial nature, although at the time, it was thought rather a strong measure. It made a considerable alteration in the law, and excited much opposition out of doors. He meant the Act which abolished imprisonment for debt on mesne process, or at least which took away from the creditor the right of arresting his debtor. The opposition raised to that Act amongst shopkeepers and traders had very much surprised him. Their Lordships knew how well it was working. There were no complaints made in reference to it—no applications for its repeal. The law had been in operation for some time, but trade went on as well as before; credit was just as well, perhaps better, maintained, than when the power of arrest on mesne process was vested in the creditor. He did not think that that Act had had fair play, because it was feared that there would be great danger that the creditor would always insist upon a judgment. They had also made some progress as to what was called the *cessio bonorum*—namely, to make the debtor hand over his property. The Act alluded to made an important alteration as to the remedy of the creditor against the property of his debtor. It brought under the operation of the law a great deal of property which before that period the creditor could not easily reach. He now came to an Act which he had before alluded to, and which had been brought in by his noble and learned Friend (Lord Campbell) and which, in his opinion, was of the greatest value for the Preamble which it contained, the principles it asserted, and the foundation it laid for improvements in the law. A great difficulty had been found, however, in carrying the Act into practice—a difficulty which had deprived the public of much of the benefit derivable from it. The Act had operated so, that debtors who had no money very gladly took advantage of the protection which it afforded; but debtors who had money, or creditors who had debtors possessing money, found that although the machinery was perfect for getting the property into the hands of the assignees, yet that it was by no means so potent for getting it out again. He knew that that was the view which the Commissioners had taken of it. However he (Lord Cottenham) valued it exceedingly for its Preamble, and the principles it embodied, and the defects in its machinery might, he thought, be easily obviated. There was one more Act to which he had to refer, and which singularly enough received the Royal Assent the very same day as had the measure to which he had just alluded—namely, the Bankruptcy Act, which gave the bankrupt the right to issue his own commission of bankruptcy, and thereby put an end to the imputation of fraud in cases in which the debtor was concerned in suing out a commission. Such was the present state of the law touching debtor and creditor. It permitted imprisonment, which was useless—nay, worse than useless. It created much misery to individuals, and was of no use to anybody. It was contradictory of all the principles upon which reforms of the law had proceeded for many years past. It had been stated that the arrest of debtors was only justifiable as a means of enabling the creditor to obtain that property which the sheriff could not reach. But the Act relative to insolvents was conceived in one principle, and that as regarded traders in another. The one went upon the principle that if you take property you cannot arrest persons, and the other upon the principle that if you cannot take persons you cannot get hold of property. It might be

said, that the debtor having committed a fraud, ought to be punished. But in that case, the innocent were punished for the guilty. Their Lordships, probably, were not aware of the proportion; but it appeared that of 3,905 persons who passed through the Insolvent Debtors Court in one year, 2,758 were discharged without opposition. Now, these were persons against whom the creditors had nothing to allege; they were there by misfortune, and not by their own fault. Of the remainder, 789 were discharged, notwithstanding the opposition of their creditors, showing that the opposition was not well founded, and only 368 were remanded as persons against whom charges could be successfully urged; the rest had been unnecessarily, and, therefore, unjustly imprisoned. He had heard of decimation, or punishing one guilty person out of every ten, but that was the most extraordinary decimation he had ever heard of which punished ten where there was only one guilty; the result of all that was, that the creditor did not obtain the advantages which it was supposed the law conferred upon him, because out of 100 cases, 95 of them produced nothing to the creditors. In the evidence before the Commissioners, one large retail dealer, whose business was of that extent that he stated he "turned" 200,000*l.* per annum, said, his opinion was, that he should best consult his own interest by adopting the process of arresting his debtors, and he adopted that plan. He found that the expenses incurred greatly exceeded what he got, so that the debtor had all the misery of going to prison, while the creditor found that he lost into the bargain, so that it would have been better for him to have let them go altogether. After these facts, it was quite clear, that the law could not remain as it was at present, and he wished to call their Lordships' attention to some of the inconveniences that at present existed. The object of all these latter enactments was to carry out the principle of a *cessio bonorum*. Their Lordships would be surprised when he stated what was the amount spent by the proceedings in the Insolvent Debtors' Court. In some cases it was much less, but the average was as he had stated; and he had that day presented to their Lordships two petitions from certain individuals who had been confined for years, merely because they were unable to command the sum which their discharge would cost. The Bill which he now asked their Lordships to give a second reading to obviated these grievances to a considerable extent. I proposed, in the first instance, to give a more effectual remedy to the creditor against the property of his debtor, and so far it was right to give him that remedy. The measure professed, first, to give a more effectual remedy to the creditor against the property of the debtor; it then proposed to arrange the system so as to enable a debtor, without going to prison, to deliver up his property for the benefit of his creditors; and also to give to the creditor, on the other hand, a similar right to compel the surrender of the property of the debtor without the necessity of the intervening imprisonment. The Bill consequently proposed to abolish imprisonment for debt; that result would follow as a matter of course, for if they furnished the means of obtaining the cession of the property of the debtor, without the intervention of imprisonment, the object of imprisonment for debt failed; all the purposes for which it was now imposed being attained without it. Having provided this remedy for the creditor as against the debtor, and relieved the debtor from imprisonment, the Bill next proposed—and this came as a natural consequence—to abolish the distinction now existing between the law of insolvency and the law of bankruptcy. If their Lordships adopted this Bill, that distinction was destroyed. True, they must make some provision for those cases in which the insolvent was guilty of fraud, that is, when he incurred debts without the means or the intention to pay. Disguise it as they would, there were cases of fraud—of obtaining goods or money; as the case might be, under false pretences, and the parties guilty of such acts ought to be punished. The Bill, therefore, detailed certain acts, and treated them as substantive offences which might be tried in the ordinary way by a jury, and where convictions took place the parties would be subjected to such imprisonment or such other punishment as might be awarded. He had now stated the provisions of the Bill, but not very much in detail, and their Lordships had now to decide whether they would sanction a measure to remove the great imperfections of the existing law which he had endeavoured to describe; and not so much upon his own opinion as upon the authority he had quoted, he asked them to give this Bill a second reading, feeling confident that if its principle were adopted and became law, the right of the creditor

would be in no way endangered, but, on the contrary, would be advantaged, while an act of humanity and justice would be done to the poorest debtor.

The *Lord Chancellor* did not rise to oppose the Bill of his noble and learned Friend; on the contrary, he begged to say, that he fully approved of its object and its general provisions for carrying that object into effect. His noble and learned Friend was perfectly correct in saying, that the subject had been maturely considered by the learned Commissioners, to whom he had referred, and that they had reported distinctly in favour of such a measure; and his noble and learned Friend, when he introduced the law for amending the Bankrupt Law, had provided for such an alteration in the law as this Bill proposed, as part of his general measure. Unfortunately, however, his noble and learned Friend had not the opportunity of carrying his intentions in this respect into effect; for, while the Bill was upon their Lordships' table, his noble and learned Friend ceased to hold the Great Seal. Nothing could be more inconsistent than the law as it at present stood — that there should be two separate and distinct laws in the country with respect to the two different descriptions of insolvency — the Bankrupt Law and the Insolvent Law— which were distinctly opposed to each other as to the principles upon which they were respectively administered, especially in that one particular to which his noble and learned Friend had last alluded—the important particular which rendered the insolvent debtor, after all his property had been taken from him — when he had to commence the world again—liable to the payment of those debts for which he was supposed to be discharged by the Insolvent Debtors Court. It was, surely, sufficiently hard for a man to have to commence business, and as it were life again, without capital or property of any kind after his discharge by the Insolvent Debtors Court; but if, in addition to this, they imposed upon him the liability to pay all the debts he had previously incurred, it would require more energy than most men were possessed of to bear up against it, and to endeavour under such circumstances, by industry to acquire property. He (the Lord Chancellor) had always looked upon this as a most unwise provision in the Insolvent Debtors Law, and one that ought to be repealed. Another great absurdity was, that the two laws should be administered by two different descriptions of Judges—the Bankrupt Commissioners in the one case, and the Commissioners for the Relief of Insolvent Debtors in the other. It was for these reasons—it being represented that the Bill of his noble and learned Friend had for its object to assimilate those two branches of the law, and that it had also for its object that the law so assimilated should be administered by one set of Judges—that he supported it, reserving to himself, of course, the consideration of its details by the Committee. And he begged leave to say further, that he had himself carefully considered the subject when he brought forward the Bankrupt Law Amendment Bill, which was now the law of the land; and the only reason why he had not imitated the example of his noble and learned Friend, by including such a measure as a part of that Bill was, that feeling most anxious for the success of that Bill, he had avoided encumbering it with the provisions necessary for accomplishing his noble Friend's object, knowing too that the object might be effected by a separate Bill, which might afterwards be introduced. He most heartily approved of these provisions of his noble and learned Friend's measure, and he would suggest that it should now be read a second time, and should then stand over for a short period before going into Committee, because he understood his other noble and learned Friend (Lord Brougham) had a measure in contemplation, which had been alluded to, and which, being in some degree connected with the same subject, ought to be before the House at the same time; and he thought his noble Friend (Lord Brougham) and their Lordships would concur with him that it might lead to some inconvenience to pass the one before they had the other before them, in order that they might have an opportunity of judging how far the machinery and objects of the one Bill bore upon the machinery and objects of the other.

Lord *Brougham* referred to the injustice too frequently inflicted upon the creditor by the law, and expressed a hope that in any future law the penalty of imprisonment would be imposed, as for a misdemeanour, upon persons making a fraudulent conveyance of their property to the prejudice of their creditors, by giving a Bill of Sale when the actual transfer of the property did not accompany the deed, or pledging goods covertly and secretly for the

purpose of concealing them from the creditors, by contumaciously refusing to convey property to creditors, or by extravagantly running into debt, without the possible expectation of being ever able to pay. With regard to the Bill to which his noble and learned Friend on the Woolsack had last alluded, he hoped to have the assistance of his noble and learned Friend in preparing it. He might observe that a most important document had been prepared by a very able and learned person, acting under the auspices of his noble and learned Friend the Lord Chancellor, and which he (Lord Brougham) had himself superintended, which would result in the production of such a body of information and such numerous suggestions for reforming the Law of Debtor and Creditor, as he had never seen before. In the course of a few days the print would be in the hands of his noble and learned Friend (Lord Cottenham) himself, and he would then be enabled to judge of its value. More than fifteen different systems of foreign mercantile law had been examined and the results of all the information which was accessible through the medium of the Foreign Office; all the suggestions which our Ministers abroad had been able to obtain from foreign commercial countries; from the Hanse Towns, the United States, France, Venice, Holland, Tuscany, Genoa, and from all other Foreign Powers whose commercial character and experience were likely to give value to such information, would be found contained in that document. He thought it would be well to postpone the further progress of legislation in respect to the subject until this information should be in their Lordships' hands. But he would observe, that as to the want of power to distribute insolvent estates, unless in the instance of persons under the Bankrupt Law, that is, in all cases of persons voluntarily taking the benefit of Insolvent Acts, there was never any estate to distribute. These persons would wait until all their funds were exhausted, and their credit gone, before they took this benefit, and there was therefore nothing to distribute, or next to nothing. The average was in many thousands of Insolvent cases less than a farthing in the pound—and so it always must be, when the insolvency was not compulsory.

The Duke of *Richmond* expressed his gratitude to the noble and learned Lord who had brought forward this Measure. Many of our prisons were complete dens of iniquity, and in many of our prisons, in those parts which were set apart for debtors, there were numerous instances in which the frauds committed upon the creditor ought to subject the debtor to confinement on the criminal side of the prison, and to be proceeded against as a criminal. He objected strongly, however, to the goals being crowded with persons consigned there by the Court of Requests, usually for very small sums, but in which the costs too frequently exceeded the original debt to a large amount. At particular times of the year the number of persons confined under the process of the Courts of Requests was much greater than at others, and this arose from the circumstance of their being certain funds in the hands of certain charitable trusts for the release of persons so confined, which were usually devoted to that purpose at those particular times. The creditors were not the parties to blame in the majority of cases, but the professional men employed to recover the debt, who generally contrived to send the debtor to gaol, when the costs were sure to be obtained. He thought their Lordships would do well to turn their attention to this class of debtors, who were the victims of a bad system, and that what he considered a great grievance upon the working classes, would be remedied by some Clause introduced for the purpose in his noble and learned Friend's Bill.

Lord *Denman* could venture to assure the noble Duke, on the part of his noble and learned Friend, that a Clause would be found in his Bill providing for the interests of the class of debtors to which the noble Duke had alluded. Any one acquainted with Westminster Hall could not but be sensible of the grievance to which he had alluded. He agreed that the provisions of the Bill should extend to persons imprisoned under process of all the inferior courts. He might mention a case which had recently occurred, in which a person who had been sued for a debt of 12*s.* in the County Court became liable to no less than 72*l.*, as the costs of the successive processes by which that debt had been sought to be recovered. It was highly necessary that some remedy should be provided for all the numerous abuses to which the law was now subject. He felt grateful to his noble and learned Friend for the clear and able statement he had made, as also for the provisions of his Bill, which he was quite sure he would, in accordance

with the suggestion of his noble and learned Friend (Lord Brougham), delay until they should have the advantage of further information, the result of which he trusted would be to enable them to carry the law upon this subject into effect upon simple and rational principles. He would offer one or two remarks. There was a Clause in the Bill which made it an offence to obtain goods on credit without having the means, or the probable means, of paying for them. That was the law of the land already. He could not at that moment refer to the statute, but a case had lately come before him, in which the party had been proceeded against for having obtained goods under such circumstances, and that party was now undergoing the sentence of the law for the offence of obtaining goods under false pretences. With regard to fraudulent Bills of Sale, that was an extensive subject for their consideration, and one of great importance. It had become almost a matter of course, that no sooner did an execution creditor lay his hands under judgment on the goods of his debtor, than up started one of these Bills of Sale, claiming the whole of the goods as the property of some other party. This was a method often resorted to for the purpose of defrauding the *bonâ fide* creditor, although the property was not intended to pass. He understood that it was no uncommon practice for persons in a small way of business to begin the world under a Bill of Sale—the whole of their property being made over to some person or other at the commencement; the just creditor, who had parted with his goods upon the faith that the property with which the debtor was trading was his own, never imagining that any other person made any claim to it, until he came to enforce his just right. Some experience in this matter has led him to think it not impossible that persons commencing business with very small capital might actually exchange Bills of Sale, with an agreement that when the law came upon either, it should be defeated by this fraudulent pretence. He believed, Bills of Sale were exchanged for the purpose of defrauding the creditors of both parties. He was, however, a little jealous of a Clause making a fraudulent Bill of Sale a crime in itself, and thus adding a new effence to our code, when the evil might be prevented, by enacting that all sales of property not confirmed by actual possession or notoriety should be void, should the seller be found to be insolvent. It might also be worth considering whether, in cases where parties were found to have been trading under a Bill of Sale, the property found in their possession should not become the property of the assignees.

Lord *Campbell* considered it a monstrous thing to incarcerate the debtor unless fraud had been distinctly proved against him, and he was glad to find that the hour was not far distant when the principles of humanity and sound policy in this respect would be carried into effect. Under the Courts of Requests imprisonment for debt was resorted to for the smallest sums, and under its worst form. He trusted this would be inquired into, and that the evil would be remedied. He gave his cordial assent to his noble and learned Friend's Bill.

Lord *Cottenham*, in reference to what had fallen from the noble Duke (the Duke of Richmond,) said he should think any measure upon this subject most imperfect that left the power of imprisonment to those inferior courts. With regard to the suggestion which had been made to him by his noble and learned Friend on the Woolsack, to delay the Committee on the Bill, until the measure of his noble and learned Friend (Lord Brougham) should be laid on the Table, he adopted it with great pleasure; at the same time he thought some limited time should be fixed, and that their Lordships should know how soon the Bill of his noble and learned Friend would be in their hands. He was anxious to have every information on the subject, and, if convenient to their Lordships, he would fix the Committee for that day fortnight. That would give full time for the production of the measure of his noble and learned Friend.

Bill read a second time.—Committee adjourned to May 14.

House adjourned.

HOUSE OF COMMONS,

Tuesday, April 30, 1844.

MINUTES.] BILLS. *Public.* — 1°. Exchequer Bills (18,407,300*l.*).

Private. — 2°. Ventnor Improvement; Newbury, Basingstoke, London, and Southampton Railway Amendment; Nottingham (West Croft Canal) Improvement (No. 2); West Croft (Nottingham) Inclosure (No. 2).

PETITIONS PRESENTED. By Mr. G. Duncan, from Congregational Union, and Mr. Fox Maule, from United Associate Presbytery, for, and by Sir G. Clerk, from Cupar, and Weem, against Abolition of Tests in Scotch Universities. — By Mr. Mildmay, from Southampton, against Encouragement of Home Labour Produce.—By

Mr. W. Miles, from Justices of Peace, County of Somerset, for Paying Clerks of the Peace by Salaries.—By Mr. Williams Wynn, from Montgomeryshire, for Establishment of Local Courts.

EMIGRATION.] Viscount *Sandon* wished to put a question to his noble Friend the Secretary of State for the Colonies, as to emigration from the western coast of Africa. The House would recollect that there were two points which appeared to be left in some doubt. Was the book that was laid upon the Table the one from which he understood his noble Friend had since received information? He now wished to ask him, whether the proportion between the sexes was to be preserved as first laid down; and, next, whether those parties who were allowed to emigrate from Sierra Leone were to spend six weeks in that Colony before they were allowed to emigrate?

Lord *Stanley* said, the question had been put before by the hon. Member for London, and it was then the opinion of the Government, that the decision must depend, in a considerable degree, on the Report which they expected to receive from the Governor. They had since received that Report, but required some time to consider it before coming to a final decision.

PROPERTY TAX.] Captain *Pechell* wished to call the attention of the Chancellor of the Exchequer to the hardships occasioned by the deductions from the dividends, &c., of individuals whose property was under 150*l.* per annum, and he wished to know whether the right hon. Gentleman could give any additional facilities to parties so aggrieved in obtaining a return of the sums deducted from them.

The *Chancellor of the Exchequer* would be much obliged if the hon. and gallant Member would bring any of those cases under his particular and personal consideration. The greatest care had already been taken to expedite the returns to be made to such parties, and many cases of apparent hardship doubtless arose from persons refusing to conform to those necessary regulations and precautions which were made to secure the public from fraud. He would, however, be obliged to the hon. and gallant Gentleman to submit to him any case in which there had been unnecessary delay, and he would do his best to remedy the evil.

COURT OF BANKRUPTCY.] Mr. *R. Scott* asked whether it was intended to appoint a taxing officer to the Court of Bankruptcy?

Sir *J. Graham* said it was the intention of his noble and learned Friend on the Woolsack to introduce a clause in a Bill now before the other House to enable the Lord Chancellor to appoint a taxing Officer.

SUGAR DUTIES.] Mr. *Barclay* said, a doubt existed with respect to the Sugar Duties, whether it was intended to bring in sugar the produce of Java on the same footing as it was proposed to place the sugars of Manilla and Siam, and also whether the importers of free-labour sugar would be required to bring with them a certificate of origin, as was done in the case of the East India sugar and rum when the reduction of duty took place in 1838?

The *Chancellor of the Exchequer* said, that hon. Gentlemen must see he must have very great difficulty in answering the variety of questions which were put to him. He should take the earliest opportunity of bringing the subject of the Sugar Duties before the House, and in the meantime he trusted the House would excuse him answering questions of a partial nature and which it did no good, but rather mischief, to answer piecemeal.

RECALL OF LORD ELLENBOROUGH.] Viscount *Jocelyn*, seeing the hon. Member for Beverley in his place, wished to ask him whether it were the intention of the Board of Directors of the East India Company to lay before the Court of Proprietors, or before that House, or the public such documents as would show their reasons for the recall of Lord Ellenborough from the Governor Generalship of India?

Mr. *Hogg*, in reply to the questions put to him by the noble Lord, must say that he was not the organ of the Court of Directors in that House, and, therefore, was not the party to be called upon to answer that question, but that implied no objection as a member of that body to state his own individual opinion. He would not wish Her Majesty's Ministers to determine, with reference to the public interest, as to the production of Papers in that House, and it was his belief that with regard to the production of Papers before the Court of Proprietors, the Court of Directors would be influenced by the

course adopted by hon. Members themselves in Parliament. He hoped that, in the mean time, with reference to what had passed in another place, he might venture to express his hopes that the House and the country would suspend their judgment.

Mr. *Astell* said that, as the question had been put, he would say one word, though he should not have introduced the subject. Like his hon. Friend, he would not answer for the Court of Directors, though for forty-five years he had been connected with Indian affairs. He hoped the House and the public would give the Court of Directors credit for the faithful discharge of its duties. He quite agreed with his hon. Friend in reference to what had passed in another place, and, however great the authority and the influence which it would naturally have, still it was but an act of justice due to the Court of Directors, that the House and the public should suspend their judgment as to the transaction.

Mr. *Hume* intended, in consequence of what had passed in another place, to ask the right hon. Baronet if he had any objection to lay upon the Table of the House, a copy of the correspondence with the Court of Directors. As to the question, whether the Court of Directors had acted wisely in the step they had taken or not, he wanted the public to know whether they were properly attacked or not.

Sir *R. Peel*—I cannot give any assurance with respect to the period at which any Correspondence of that nature can be laid upon the Table of this House.

Mr. *Hume* thought it a matter of great national importance that the public in India should have assurance as to the conduct of the Court of Directors in whom they confided—and especially when that conduct was impugned, it ought to be open to public examination. For his own part he approved highly of the conduct of the Directors.

Oaths in Scotch Universities.] Mr. *Fox Maule*, in rising to move for leave to bring in a Bill to regulate the administration of Oaths in the Universities of Scotland, said it was usual on these subjects to move a resolution pledging the House to some abstract principle; but on the present occasion the course he had to pursue was so different, and the remedy for the grievance he had to complain of so short, that he preferred at once to move for leave to bring in a Bill to remedy it. As the question was, whether it was expedient or otherwise that Tests should be administered to those holding office in the Scotch Universities, he must desire that the right hon. Gentleman opposite (Sir J. Graham) would meet him at once on the principle, instead of paying him that deference which was sometimes paid out of courtesy to Members who moved for leave to introduce Bills in Parliament. It was not his intention to go into the whole subject of university reform in Scotland, but simply to address himself to the question of the Tests tendered to those who held office in the Universities. That the House might be fully aware of the subject, he begged to read an extract from the Act of 1707, commonly called the Act of Security. By this Act it was provided, that in all time to come no professor or other person holding office in any University, college, or school, in the Kingdom of Scotland, shall be allowed to exercise the said functions, but such as own and acknowledge the civil government in the manner prescribed or to be prescribed by Act of Parliament, and also that before their admission to the same they shall acknowledge, profess, and subscribe to the Confession of Faith, as the confession of their faith, and conform and subject themselves to the whole doctrine and discipline of the Church of Scotland. Illiberal, strict, and narrow minded as this provision might now appear, he could yet find ample excuse for its original framers. This Test was not directed against any body of Dissenters, as that term was now understood. It was not directed against the Roman Catholics, for they were sufficiently excluded by the penal laws. But it was entirely directed against the members of the Church of England, or the Episcopalians, as they called them in Scotland. It was not surprising that some Test of this kind was then thought necessary. Those who originated it had not forgotten the struggle which James I. had made to obtain predominance for the Crown in matters spiritual as well as civil. They had not forgotten the harshness with which they were treated by Charles I., and the still harsher measures they endured from Charles II., and his infamous agents, Dalzell and Claverhouse, who scrupled not to put nearly 18,000 Presbyterians to death mainly for upholding the Presbyterian religion. This was their only excuse; but he thought, under the circumstances, it must be considered satisfactory. Certainly these Tests might be the means of preventing an obnoxious person from retaining his office, provided the Universities were agreed in enforc-

ing them. It was natural, therefore, that in forming a union with a kingdom where a different system of Church government prevailed, they should take some steps to secure the preservation and the purity of the discipline of their own. Having obtained this power, the Universities were not strong in enforcing the Test. In 1724 the Duke of Chandos, who was a member of the English Church, was appointed Chancellor of St. Andrews; and though he remained in that position for twenty years, he could not find that any Test had been tendered, or that it was recorded as having been taken. In 1744, he was succeeded by the Duke of Cumberland, and he did not find that any Oath, even the Oath of Allegiance, or any Test, had been administered to him; so that, in fact, at that early period, the honorary officers of these Universities were already excluded from taking these obnoxious Tests. How long the practice had gone on he did not know, but neither with respect to honorary officers or lay Professors had any Test been admitted. This appeared from the evidence of Professor Baird, given before the Commissioners of Inquiry, who said,—

"With regard to the answer to the 67th question, as to the Professor's subscription of the Confession of Faith, and their taking the Oath of Allegiance, it is statad it has not been the uniform practice for Professors appointed by either the Crown or the patrons to produce at their admission a certificate of having complied with this qualification; have any instances occurred since the appointment of the principal in which such certificates have been produced?—I recollect one being produced by Dr. Duncan, junior, when he was appointed Professor of medical jurisprudence.

"Was it produced by him voluntarily?—Yes; and laid on the Table with the Commission.

"Has it been required by the Senatus Academicus of the professors?—No.

"Has the Senatus Academicus any power to administer the Oath of Allegiance itself?—No.

"Has the Act of Parliament of 1707, in point of fact, been inoperative as to that in this University?—Yes.

"Does the Senatus Academicus admit professors?—It is difficult to answer the question. We go through the form of admission: whether we have power to admit or not, we do not know. When the Senatus is met, on the application of the magistrates to meet for the reception of a professor, the magistrate comes in with the candidate, and gives his Commission to me at the head of the Table, and the Senatus orders it to be recorded.

"Upon the occasion of the admission of the professor, is he not required to subscribe the Confession of Faith?—He is not.

"Nor to produce a certificate of his having subscribed it anywhere else, or the Oath of Allegiance?—No.

"Is it your impression that there has been any other instance, since your appointment as principal, in which any of the professors have produced any such certificate of having signed the Confession of Faith, except in the case of Dr. Duncan?—I should say at once I have no such recollection.

"Do you recollect if it was produced by Dr. Hamilton or Dr. Hunter?—No."

In the University of Aberdeen, it seemed, upon the authority of these same Commissioners, that since 1826, this Test had been strictly administered, with respect to professors, but they were led to infer, in page 122 of the Appendix to their Second Report, that, previous to 1826, there had been much laxity as to this Test:—

"Requisition 59. Were the professors and lecturers in the University, who have been admitted since the year 1826, required previously to their admission to the exercise of their respective functions to subscribe the Confession of Faith and formula of the Church of Scotland, as approved and fixed by Act of Parliament, and to swear and subscribe the Oath of Allegiance to his Majesty.—Return: The professors admitted since 1826 were required to subscribe the Confession of Faith and formula of the Church of Scotland, as approved and fixed by Act of Parliament, and to swear the Oath of Allegiance to his Majesty, and did so accordingly. The lecturers admitted since 1826 have not been required to subscribe the Confession of Faith, nor to swear the Oath of Allegiance.

"Requisition 60. Are the Chancellor, Rector, and Office-bearers in the University, exclusive of the Principal, Professors, and Lecturers, required to acknowledge, profess, and subscribe the said Confession of Faith?—Return: No.

"Requisition 61. Are the graduates or bursars in the University required to acknowledge, profess, and subscribe the said Confession of Faith on their graduation as bursars?—Return: No."

From what he had stated, he thought it was clear that the practice of administering the Tests, as far as concerned the University of Edinburgh, and to some extent the University of Aberdeen also, had not been found to produce any great benefit; and most assuredly, if these Tests were abolished, the circumstance would not be found to be attended with any great injury to the Established Church; for if injury was likely to result, we should have experienced it before, because the Tests had not been always rigidly enforced in these Universities. He was of opinion, so far at least as

lay professors in the Scotch Universities were concerned, that no damage could arise to the established religion of the country by the omission of any particular Test. He begged to remark, that in the proposal he hoped to be allowed to submit to the House he entirely excluded all professors of divinity. He did not want to exclude any Test which those professors were now subjected to. He only referred to the lay professors. By administering the Test the Universities were made sectarian in character, and thus many distinguished persons were prevented from giving those establishments the benefit of their talents and acquirements. This was one of the many objections which he considered adhered to the Tests. He had hoped, from what he learned with respect to the Universities of Edinburgh and Aberdeen, that the practice was dying away, and that the tests might be permitted to glide into oblivion, but he was sorry to say, owing to the late occurrences which had taken place, and the disruption which had occurred in the Church of Scotland, that the question of these Tests had been again raised and brought prominently before the country. He begged to be understood not to refer to his own case. If the Tests affected only certain individuals holding honorary offices in the University—obnoxious though they were—they would scarcely be worth mentioning; but when he found these Tests were likely to put out of their position the most distinguished men of science who now graced the Universities, he conceived the question became of great importance. It was clear if the administration of the Tests was insisted on, that the system must be extended to every University in Scotland, and the laws must be impartially administered. What then would be the effect of this course? He was proud to say, that at present the Scotch Universities had many distinguished men who held honorary offices in them, and also many eminent individuals who were professors. He had already referred to Sir David Brewster, and there were in Glasgow, St. Andrew's, and Aberdeen Universities, many of the professors would by the operation of the Tests be subjected not simply to subscribe to a confession of faith, but, as the law said, to a confession of their faith, and they would be called upon to sign a formula of the Church of Scotland, or, in other words, record themselves as Members of that Church; and unless they did so, and consented to sacrifice their conscientious religious feelings, they would have to give up the tenure of their offices: This was not the whole of the consequences. Another consequence would be to prevent other men of eminence from offering their services to assist in the work of education and promotion of science. It was said, that the eminent Mr. Faraday was once a candidate for the office of professor of chemistry to one of the Universities of Scotland. Now if that Gentleman at this time of day were to offer his services to the University of Edinburgh as professor of chemistry, that University would be deprived of his services, because he would refuse to put his hand to the established formula of the Church of Scotland; as if the Established Church could possibly suffer in the smallest degree from the fact of a Gentleman of Mr. Faraday's accomplishments teaching chemistry in the University without having signed the formula. The idea was ridiculous and absurd. As to the classical professors, they all knew that the Heliconien spring did not usually flow very high in Scotland. The Scotch went, and they were not ashamed to go, to the Universities of England for Professors. From England they obtained Classical Professors, and would still obtain them; but if they put the confession of faith in the way, they would deprive Scotland of those advantages of which the Scotch were glad to avail themselves. If he came to the honorary offices, he found that he had not been required to take the Test during the first year: not having presented himself for installation, he did not know what course might be pursued; but in Glasgow it appeared essential that the Test should remain even in respect to honorary offices. Let them see how this was acted on in practice. When the right hon. Baronet opposite (Sir R. Peel) was Lord Rector, there was an election of a Professor of Divinity, at which he was present. Last year, whilst he himself was making a visit, he requested the production of the books as Lord Rector; they were produced, but the Principal informed him that he considered him disqualified from giving any order, as he dissented from the Church of Scotland. What, however, was the course pursued when the right hon. Baronet was Rector? It was notorious that he was a member of the Church of England; yet on the election of a Professor of Divinity, not only was this not objected to by Principal M'Farlane, but his vote was accepted, and he believed it was the turning vote for the election of Dr. Hill in opposition to Dr.

Chalmers. A majority of the Professors in the Universities of Scotland agreed in the propriety of the abolition of these Tests, and he believed that with the exception of the Universities of Edinburgh, and by accident Aberdeen, they had expressed their desire by petitions to that House. If they proceeded with disinterring this ancient system, let them for a moment contemplate the consequences of their proceeding. In the first place, what would be the effect on the Universities? His opinion was, that it would raise in Scotland rivals to those establishments. He did not speak from a stretch of imagination, but from knowing the fact. He could tell the House that such an intention as he had hinted at really had been formed, and was entertained, and would not be easily abandoned, unless the fullest and the most liberal admission was given to Professors in the Universities. But he wished to know what benefit the Established Church was to derive? Be assured the Church would be far from deriving any benefit from a perseverance in the ancient system. They would find that they were raising up rivals to the Universities, and every individual educated in the new establishments would be educated in rivalry and hostility to the Established Church, who otherwise would have amalgamated himself in friendly feeling with the members of the Established Church, with whom they had been educated. These were some of the difficulties which would arise if the House persisted in reviving the system of Tests. Perhaps hon. Members were not exactly aware of the history of the Established Church which they desired to protect. In the year 1770, it was the religion of nearly the whole of the population of Scotland. Now, it was only the religion of the minority. Time was, when it was the boast of Scotland, that the Established Church was the Church of the majority, but it was not so now; and he did not make this assertion without being borne out by calculations. Before the disruption, there were 1,000,000 of Churchmen, and 500,000 of Dissenters; but since the disruption he believed he was under the mark when he stated that 400,000 persons had left the Established Church, and now the Established Church would be found in a minority, while the Dissenters, who all wished for the abolition of the Tests were in a majority. He would not ask the House to accede to the Motion, if he thought it would in any way affect the stability of the Church, as recognised by the Act of Union. He did not want to lay a rude hand on the Established Church. If he differed from the doctrines of the Church, he still declared he would not lay a rude hand on her privileges. If his Motion were not carried, he was quite satisfied this would be the readiest way to endanger the security of the Established Church of Scotland. If the House did not consent to such an enactment as this, the consequence would be that the people would prove their dissatisfaction by instituting seminaries and schools of a more liberal character for the instruction of their children, and providing for them teachers and professors, who should not be subject upon appointment to take the Test, or sign the Declaration. He had no objection to engraft in his Bill, if it met with the views of hon. Gentlemen opposite, a sort of negative Test—he had no objection to requiring a Declaration from a Professor that in his lectures he would not teach anything that would lead to the subversion of the Established Church, though he deemed such a Test perfectly useless, because it was known that the Professors of philosophy and of the arts and sciences in the Universities of Scotland had never done anything except mind their own business in their lectures; they did not treat upon subjects with which in their lectures they had nothing to do. The right hon. Gentleman concluded by entreating the right hon. Gentleman opposite to weigh well the decision to which he might come, and he entreated the House to stamp with its seal of reprobation the remnant of a system which might have been, perhaps, justified at the time it was adopted, which was opposed to the spirit of the present age, which was obnoxious to the feelings of every man of liberal education, and which could give no protection to the Established Church, which it was intended to support, but which would rather, on the contrary, bring into malignant operation a feeling which would tend to pull down the Church more than any system which could be adopted. The right hon. Gentleman on sitting down submitted his Motion to the House.

Sir *A. L. Hay* rose to second the Motion. He agreed in what his right hon. Friend had so clearly laid down. If his right hon. Friend had extended his Motion to the Ecclesiastical Professorships, he could not have gone that length, but having reference exclusively to the lay teachers in the Universities, he had no doubt of the propriety of introducing a Bill on the sub-

ject. He attributed the necessity for legislation to the late unfortunate secession in the Church, than which nothing had more shaken Scotland to her foundation. He did not think that the right hon. Baronet, the Secretary of State for the Home Department, was prepared for such a secession till it had actually taken place, and that he must now lament the supineness which had, to a great extent, aided it. He thought his right hon. Friend had overstated the number now adhering to the Church; he did not think they were more than one-third of the population. Taking the population of Scotland at two and a half millions, the calculation was, that the Dissenters having been 800,000, one half of the remainder now belonged to the free Church. [An *Hon. Member* dissented.] He must then take an opportunity of proving what was his firm belief. In Aberdeen the number of sittings in the Established Churches were upwards of 10,000. What number was let? Little above 2,000; so that it was perfectly clear in the City of Aberdeen four-fifths had seceded from the Established Church. Was it not also known that from 700 to 800 Churches had been built by the voluntary efforts and contributions of the people, with some small assistance, and that in a country which was not, under all circumstances, considered the richest in the world. Either the Tests under consideration were necessary or they were not. If they were necessary, it was for the support of the Established Church, otherwise they were of use to no human being; and yet to the Church they were injurious; it was evident that they prevented persons of intellect and talent from going to Scotland and obtaining these professors' chairs, unless they happened to profess the religion of the country. He would mention a case that had occurred at Mareschal College, Aberdeen. A nominee to a lay professorship had refused to sign the Confession of Faith without qualifying his reasons, and the Presbytery having taken the matter up, refused to admit his reservations, or to induct him, and the consequence was that the case was referred to the Court of Session, when the Presbytery were declared to have acted illegally, and the professor was inducted. Now did not this show that the Test was of no use, that its practice was doubtful, its application irregular, and its infliction a matter of caprice and uncertainty, and he, therefore, submitted that it should be abolished as regarded the lay professors. Holding these opinions, he seconded with great pleasure the Motion of his right hon. Friend.

Sir *J. Graham* said, in the observations which it was his duty to address to the House, he would first notice a point raised by the right hon. Gentleman at the commencement of his speech, with reference to which he would say, that in a matter of such great importance affecting the interests of the Established Church of Scotland, he thought the right hon. Gentleman had judged most wisely in not proceeding by Resolution. He had asked for leave to bring in a Bill which appeared, in a parliamentary sense, the most proper course; and the right hon. Gentleman had relieved him from all difficulty, by stating that although he had adopted that method, he would not insist on the ordinary courtesy, which sanctioned the introduction of a Bill, and that he would not, consider any resistance offered to him as a personal incivility. He must say that, although it would be his duty to resist the Motion of the right hon. Gentleman, he entertained the greatest personal respect for him. A great deal had fallen from the right hon. Gentleman which he was disposed to admit. The state of the case in reference to the law, and historically, also, with respect to the policy of the original enactment, the facts had been most accurately stated by the right hon. Gentleman. It was quite clear that at the time when these Acts passed the jealousy of the Scottish Legislature was entirely confined to episcopacy. At the time of the passing of the Act of 1690, which was the Act which prescribed the necessity of a confession of faith, and which was the Act by which the Presbyterian religion was finally established in that country, the necessity of subscription also, on the part of the office-bearers in the Scotch universities was imposed in the most stringent manner, and remained in force during the interval between 1690 and the Act of Union. On the very day on which the Act ratifying that union passed the Scottish Parliament, an Act termed an Act of Security was passed simultaneously, and it was declared, in the strongest manner that words could convey, to be a fundamental ground of the treaty of union. By the 3rd section of the 25th article of the Act of Union it was declared,—

"And further, for the greater security of the aforesaid Protestant religion, and of the wor-

ship, discipline, and government of this Church, as above established, Her Majesty, with advice and consent aforesaid, statutes and ordains that the Universities and Colleges of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever; and that in all time coming, no professors, principals, regents, masters, or others bearing office in any university, college, or school within this kingdom, be capable to be admitted, or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the civil government in manner prescribed or to be prescribed by the Acts of Parliament; as also, that before, or at their admissions, they do and shall acknowledge and profess, and shall subscribe to the aforesaid confession of faith, as the confession of their faith, and that they will practise and confirm themselves to the worship presently in use in this Church, and submit themselves to the government and discipline thereof, and never endeavour directly or indirectly the prejudice or subversion of the same, and that before the respective Presbyteries of their bounds, by whatsoever gift, presentation, or provision they may be thereto provided."

He was not about to argue that any Act so fundamental and essential should in all future time be imperative and not subject to modification or revision, but this he did say, that it ought not to be any cause of minor importance which ought to lead the British Parliament to deal with an article agreed to at the time of the Union with Scotland, and declared to be fundamental. It was said that these statutes, and he admitted it, were levelled, at the time when they were passed, principally against episcopacy and that they had since fallen practically into disuse. It was very true that as the Established Church of Scotland took deeper root and when the efforts of the Episcopalians to gain possession of the endowments of the country became more feeble, the jealousy of the Presbyterians evaporated, and that was practically evinced in the universities by some laxity in the use of the Tests in question. The right hon. Gentleman was perfectly accurate in stating that in later times in the University of Edinburgh, office-bearers were frequently chosen from Episcopalians, and that these Tests were not applied; but the right hon. Gentleman was not fully accurate, if he excepted the University of Edinburgh, in stating that, with respect to the teachers of the other three Universities in Scotland, the use of these Tests had been discontinued. The state of the Scotch Universities had come under the review of Parliament in 1826, and a Commission of Inquiry had been appointed, and on this point the Commission had reported in 1830, that the regulations of the Act of Security not having been uniformly attended to they recommended that in future the regulations of that Act should be strictly enforced, and that all members of the three universities should subscribe the Tests required by that Act. This report not only negatived the statement that the imposition of these Tests had fallen into general disuse, but recommended that for the future they should be stringently enforced. That report was signed by the present Earl of Rosebery, by the late Duke of Gordon, by Lord Aberdeen, by Lord Melville, by the President Hope, by Mr. Boyle, the Lord Justice Clerk, by the late Sir W. Rae, by Mr. Moncrieff, by Mr. Hume Drummond, and by other Gentlemen of influence. Lord Corehouse had dissented from the recommendation that this Test should not be discontinued, but should be more rigorously enforced. He thought he was right in saying that this part of a most solemn engagement ought to be treated with peculiar caution in that House, and ought not to be lightly subverted. The gallant officer had spoken of it as harmless; then he asked why it should be lightly repealed when no grievance was stated? He had listened to the speech of the hon. and gallant Member, and he had not heard any grievance alleged. With regard to clerical professors the right hon. Gentleman did not propose any change; but he did not stop there—he proposed that there should be for all lay teachers a negative Test, and that Test he was willing should remain in the words of the Act of Security,—that they should declare that they would do nothing which would in effect tend to the prejudice or subversion of the Church. His proposal then after all, was anything but an abolition of the Test. The advantage of the negative Test was certainly beyond his apprehension; it marked jealousy and distrust of the teachers, but did not appear to afford any adequate security. In the University of Glasgow Episcopalians had, and he believed did now, fill the professors' chairs who had taken the Test. He believed positively, without exception, that no lay teacher in the Glasgow University had filled a chair without taking that Test. In Edinburgh they had not all taken that Test, but he could state positively that no Presbyterian Dissenter had been admitted

to fill a professors' chair in Scotland up to the present time. He did not think it expedient to enter into an analysis, such as the gallant officer had entered into, of the precise extent of the late secession. He deplored it; he considered it as one of the greatest misfortunes that had occurred to Scotland. He believed it to be very extensive in its effects, and from its extent to be highly dangerous to the established religion of that country; he was most desirous, therefore, that nothing that should fall from him should tend in any degree to exasperate the differences which at present unhappily existed, particularly as there were some hopes from one Minister having returned into union with the Church that the schism would gradually abate. It was certainly with peculiar pleasure that he heard the right hon. Gentleman opposite say, that though he had seceded from the Established Church, and though no doubt his secession had been a great loss to that Establishment, yet that he was not its implacable enemy, and would do nothing to subvert or overthrow it. That was the sentiment the right hon. Gentleman expressed in that House. Sorry was he to say, that it had not been the language of many who had seceded. Many persons of great influence and of great eminence, parties to this secession, had gone forth, declaring themselves enemies to the Establishment itself, bent on its overthrow, and describing the Erastian establishment, as they called it, as a nuisance which ought to be abated. The right hon. Gentleman, most respectable and most active in support of the Church whilst a member of it, most energetic in his opposition to it now he had seceded from it, came forward at this juncture to make this Motion. He had told the House that up to this time no Presbyterian Dissenter had ever yet been a teacher in a Scotch University; now, it was right that the House should bear in mind what was the nature of the patronage in several Scotch Universities. In Edinburgh a large portion of the Professors' Chairs were in the gift of the Town Council of the city; and that very argument of the hon. and gallant Member who seconded the Motion that his secession was popular, and that the bulk of the people had left the Church, must prove to the House that those Town Councils, popularly elected, must partake largely of the spirit of dissent. Admitting that dissent both in the Town Councils of Aberdeen and of Edinburgh was very prevalent, and that religious feeling at this time ran high, was it not natural that these popularly-elected bodies would almost invariably, unless security were taken, elect Dissenters to fill those chairs? The right hon. Gentleman said he would still maintain the Negative Test, and that was as he (Sir J. Graham) took it, a demonstration that the right hon. Gentleman felt how great was the influence of teachers over the minds of young persons. No doubt the right hon. Gentleman knew that there was hardly any lecture whether physical or metaphysical, ethical, or historical, into which particular religious tenets might not be introduced; and in proportion as the teacher gained power over the young entrusted to his charge, would he have the facility of inculcating or insinuating his own peculiar opinions. He did not think that there was any great evil in the establishment of rival institutions: he was not therefore overawed by the threat of Free Church Universities: he thought, however, it was of the last importance, that security should be taken that the connexion of the ancient Universities (recognized in the great Presbyterian Charter of the Act of 1690, which determined that they should for ever remain the Universities of Scotland, and which it was said in the Act of Security should for ever be connected with the Church of that country) should be maintained in alliance with the religion of the State. Those Tests were available, and fairly available, in his (Sir J. Graham's) opinion against Protestant Dissenters seeking to obtain pre-eminence and predominance in the Scottish Universities. Those Tests had existed now for nearly a century and a-half, they had not excluded talent, for he knew that to the honor of Scotland, the fame of her Universities nearly rivalled those of this country. If they looked, for example, at political economy, Adam Smith who might almost be called the father of that science, had been a Professor at Glasgow; if they took the medical science, John Hunter and Professor Clarke had been educated there; if they took metaphysics they found Dugald Stewart, a professor in Edinburgh amongst the leading metaphysicians of Europe. He recollected, also, that Lord Melbourne had been educated at Glasgow, Lord Lansdowne at Edinburgh, and that the noble Lord opposite the Member for London, (Lord J. Russell) had been brought up at the feet of Gamaliel, in the strictest sect of Philosophers,; he had been a pupil of Professor Playfair's.

He(Sir James Graham) confessed he could see no reason for the Motion of the right hon. Gentleman. The right hon. Gentleman asked if they were in a condition to revive the system of Tests? But that was not the question. The question was, whether they would consent, without any ground for doing so, to disturb an arrangement which had existed for a century and a-half. The right hon. Gentleman had mentioned certain petitions from the Scotch Universities; now he had every reason to believe, that anything but unanimity existed in Scotland upon this subject. He had a petition of the Principal and several Professors of Glasgow University, and, of course, they had an interest in opening the door of their University to as many students as possible; yet, what said the Principal and these Professors of that University? Why that the repeal of the Test would drive away many students from the University by destroying national confidence in the character of the Professors individually and of the instruction which they communicated. With regard to the secession from the Church, they had seen, that so far from advancing, many who had seceded had since seen the error of their ways and had returned to the Establishment. The House should take care, then, not to touch the foundation of an Establishment, which though shaken, still had such a hold upon the hearts and affections of the people. He did hope that this would be regarded as purely and pre-eminently a Scottish question, and that it would be treated as he was desirous of treating it, upon Scottish grounds: he placed it upon the Article of Union, upon the great Presbyterian Charter and, more than that, upon the Act of Security, which was coincident and coeval with the Act of Union, and must be regarded as a fundamental condition. The state of the Benches was not very encouraging, still before the debate closed he trusted that the House would be favoured with the opinion of some Scottish Members upon the subject; for his own part he must say, he conceived it to be his duty to maintain as far as in him lay that Presbyterian Church which Her Majesty had sworn to uphold in all its integrity, and he was bound to take lightly no rash step such as that proposed by the right hon. Gentleman. With the most perfect respect, therefore, to the right hon. Gentleman, it would be his duty to oppose the introduction of the Bill which the right hon. Gentlemen asked the leave of the House to introduce.

Mr. *Rethurfurd* agreed with the right hon. Baronet, that this was entirely a Scottish question, and he hoped the Imperial Legislature would regard it with reference to the feelings and just demands of the people of Scotland. It was a matter of vital importance to that country. While its people were united under one Church the question might have been comparatively insignificant, but since the secession had taken place it was of much greater moment. He remembered the confidence expressed by the right hon. Baronet and the Government before that change took place. He knew how little they thought what would be the result of that secession—what a small party would go out of the Church; they flattered themselves that the feelings of the people of Scotland were much changed; they imagined that the Clergy of Scotland were mercenary men who would not leave their livings. What had been the result of these proceedings? Why, more than half the Members of the Church had seceded. The Church was no longer what it had been, for the country and for the rural population. The remark of Dr. Adam Smith could no longer be applied to it, that of all the Established Churches which existed in various countries, that of Scotland united the attachment and affection of the people towards it more strongly than was the case of any other church in any other country. That feeling had gone, and it was no longer the Church of the majority. Was it not notorious that those who had merely travelled through the country had seen the change approaching long before it took place, and was it not extraordinary that Her Majesty's Ministers, with every information before them, could not better read the signs of the times? It appeared that there were not less than 700 Churches abandoned by their Ministers and the congregations in one single year. The extent of the funds subscribed by the seceders for the purpose of providing the means of divine worship he could not mention, but it was very large, and at the very moment that the people were emptying their pockets for the purpose of building Churches, they made larger subscriptions to the charities formerly in connection with the Church than had ever been made before. His right hon. Friend and himself had been told that there was no grievance in connection with the question before the House, and the only effect of the Test had hitherto been to exclude a few Episcopalians from the professors' chairs in the Uni-

versities. Were they now to be told that this was not a question of great magnitude? Why, this Test struck at two-thirds of the population of Scotland. There had arisen then, a most serious grievance, and if it was persisted in, it would unite the people of Scotland to demand a Reform in such a way that it could not be refused. He begged to remind the right hon. Baronet that this, perhaps, was the East Retford question of the Church of Scotland, and the right hon. Gentleman must take care how he dealt with it. His right hon. Friend had referred to the case of Sir David Brewster, with the view of showing in what a scandalous manner these Tests had been used. He begged to remind the House that this was not the case of an obscure individual, but of a most eminent and learned philosopher, whose name by his important discoveries had become European, and who was as much distinguished for his high scientific attainments as for his religious and moral character. He would venture to say that not only was the connection of such a man an honour to the University of St. Andrew's, but when put beside and in contrast with such a man, the reputation of the University itself became obscure. This great man had been assailed in the most indecent and unbecoming manner by the defenders of these Tests; and because he had seceded from the Church, and was no longer a Member of the Established Church of Scotland, an attempt had been made to expel him from his office in the University; and yet was he (Mr. Rutherford) to be told that this was no grievance. He had referred to this case to show the evil of Tests, and he wished to impress it upon the mind of the right hon. Baronet to consider well how the continuance of them would operate, under present circumstances, in Scotland, if a timely remedy was not applied. He trusted, then, that the Imperial Parliament would at once interfere; and he appealed particularly to English Members to hold the balance between both sides, and to deal with the subject impartially, in considering the facts of the case. He would not attempt to deny the plausibility of some parts of the speech of the right hon. Baronet, nor would he follow him through his statement as to the causes of framing the Act of 1690, or the Clause in the Act of Union in 1707. He could not say, from what fell from the right hon. Baronet, whether he meant to deal with the question of Tests on the mere principle of the merit of having Tests. He first understood him to say that he felt rather disposed to go into the question whether, if they had not hitherto been in existence, they should now be imposed; and whether, if these Tests had not existed before, the House should assent to their being created. The right hon. Baronet did not seem in the early part of his speech to rest much on the policy of Tests; but towards the end of his speech he apparently intended to say much in favour of them, and seemed to imply that their existence was very desirable. The right hon. Gentleman told the House that with reference to Professors not being members of the Established Church, and occupying lay and secular chairs, that they would have numerous and almost constant opportunities of instilling incidentally into the minds of the youth attending their several classes, their own peculiar sectarian opinions. The right hon. Gentleman urged this as a ground for continuing these Tests, and said that these professors, while instructing the pupils under their care in ethics, science and literature, would insidiously impress upon the minds of those under them those particular doctrines of religion which they held in contradistinction to the doctrines of the Established Church. If he believed, that anything of the kind would arise, he should think that danger was to be apprehended from the manner of teaching in Scotland. So, however, the right hon. Gentleman thought, and so argued. If, however, the right hon. Gentleman so thought, and if he feared and apprehended such dangers from the mode of teaching by such professors, he could not say a single word which would not discredit the universities of Scotland. He believed such an inference as the right hon. Gentleman drew would be attended with consequences which he would not wish the people of Scotland to adopt. It must be admitted, that up to the present time, no great complaints had been made that the lay and secular Professors interfered in teaching theology, but that they severally confined their instruction to the science or the art they professed: and he was not aware that the least suspicion had ever been felt or manifested by the Church of such interference on the part of the several Professors of ethics, of law, of medicine, of languages, or of science. The right hon. Gentleman complained of rival Universities. Now, he saw no great harm in the existence of rival Universities. But if those parties who had seceded from the Church chose to establish, by gift, or sub-

scription, or endowment, rival Universities, would the Government consent to give them foundations, for the purpose of giving degrees in medicine and law to the pupils who had graduated at them, which should have the same effect as if conferred by the established Universities? If the House refused to remove these Tests, and if they withheld this power from the new Universities which would be established, it would act in a most unjust manner. But let the feeling of dissatisfaction towards the established Universities grow up, it would work effects which would be productive of the very worst consequences towards them. It should be recollected that Scotland was not so very large. It was well known that the great portion of the emoluments of the occupiers of the chairs of Professors in the Universities of Scotland, depended on the number of pupils which each had. If many of the pupils, and this was very likely to be the case under existing circumstances, were driven away from their Universities by Tests, it would be difficult to find men of eminence who would consent to fill the several chairs, and the result would be that the whole system would be at an end. He begged the House to recollect that this matter had nothing whatever to do with the theological chairs. He admitted that it was right that the Church should appoint those who were members of it to educate the young men who were candidates for Clerical Orders, but it was not necessary to require this of those who occupied the secular chairs, and who were not teachers of theology, but who confined their instructions to law, medicine, ethics, chemistry, mathematics and Greek and Latin. What necessity was there that a gentleman to be competent to teach any of these branches of education should be in communion with the Church of Scotland? Were they to be told that no others were competent to instruct in science and art, or in the languages? Were they to be told that no man could teach the abstract sciences unless he was a member of the Church of Scotland? Was it to be borne, that they were to be told that the youth of Scotland would be corrupted if Professors were allowed to be appointed to teach in matters not at all appertaining to religion? But the right hon. Gentleman had told them that these Tests did not operate as an exclusion to able Professors. The right hon. Baronet had stated that at the present time, one of the most distinguished Professors in the University of Glasgow, and a late Professor Sir D. Sandford, who was one of the most eminent and successful Professors of that University, were members of the Church of England. He understood the right hon. Baronet distinctly to admit, that both these Gentlemen took the Tests. He went then upon the fact, as alleged on the opposite side, that these two Professors being members of the Episcopal Church, set their hands to the declaration, that they believed and adopted the profession of faith of the Church of Scotland; and this, be it recollected, was not all; but that they also submitted to the Government and discipline of the Church of Scotland. These were the words, and this was the test which the right hon. Gentleman alleged these Gentlemen to have taken. Then it appeared that these two Gentlemen, who were members of another church, signed a declaration, on condition of their being allowed to teach in the University of Glasgow, that this was their faith, and that they would conform to the practice and worship of the Church of Scotland, and they must have taken the communion in connection with that Church, if they so conformed. He contended, that if they submitted to the government and discipline of the Church, they must do so. He did not know from his own knowledge the circumstances stated by the right hon. Gentleman; but if they were as described, they showed in a strong light one of the worst evils of Tests, and they led men to whom they are tendered to palter with solemn declarations in matters with respect to which there should be no equivocation or hesitation, but only plain, and open, and straightforward dealing. It should also be remembered, that under this system of Tests Newton could not have been an instructor in science in a Scotch university, nor could Locke have held a chair of metaphysics or ethics. It has been also said, that the existence of these Tests had given rise to small evils, as the only result had been to exclude Episcopalians from the Professors chairs in the Scotch Universities, and that only a few of them lived in Scotland. But at the present time in Scotland, there was a large and powerful party, which had seceded from the Church, and which would not conform to the practice and worship of the Church, or subscribe to the decisions of the Church. Great care should be taken that you did not hold inducements to palter with solemn Tests. At the time these Tests were imposed, there could be no doubt that the great body of the people of Scotland were

members of the Established Church, but this was no longer the case, and it was therefore time to legislate on this subject, and for the Imperial Parliament to remove those Tests which had now become such a manifest grievance. It appeared to him that the real ground upon which the right hon. Baronet opposed his right hon. Friend's Motion was, that he feared that if the Bill was laid on the Table, it would go forth to the people of Scotland, and that these people would strongly declare their opinions upon the subject. The real ground of objection was, that the people of Scotland should not express their opinions on the subject, and not because these Tests would be against the Act of 1690 and the Act of Union in 1707. The latter Act of Security, which the people of Scotland had so much at heart when they consented to surrender their own Parliament, and submit themselves to the legislation of the Imperial Parliament, was, that the continuance of the Church of Scotland should be secured. Now, although this Act, as was said by the right hon. Baronet, was, agreed to on the same day with the Act of Union, and that it formed an important part of the Union; yet the people of Scotland had reason to find, within a very few years, that it furnished no great safeguard against innovations on the Church, for an attack was made on the Church for the putting down the popular voice, and the mode of appointing the Ministers of the Church. Within five years after the Act of 1707 the Imperial Parliament passed an Act changing the constitution of the Church, by taking away the patronage of the Church from those who then held it, and transferring it to the representatives of those from whom it was taken by the Act of 1630. That was a specimen of most rash legislation, and a most unjustifiable interference with the Church of Scotland; but he might be told that this was an old precedent. If he was told this, he would refer to the Act of last Session, which deeply touched the constitution of the Church. But the right hon. Gentleman said that that was only a declaratory Act. He was astonished that this could be said in the face of the judgment given by Lords Cottenham and Brougham; for it was clear to him that it was not a declaratory, but an enacting Act, by which you touched the safety, and affected in a most serious manner the best interests of the Church of Scotland. The Act of 1707 was in vain opposed as an objection to this invasion of the Church of Scotland; it appeared therefore, when they wished to infringe on the Church, they refused to allow this Act to be pleaded as a bar. Independent of other evils or tests, it narrowed the choice of candidates for professorships, and was productive of other evils. Speaking as he did from the Opposition side of the House, he did not know whether the right hon. Baronet would give him credit when he expressed his regret on this subject in reference to the character of the Government in Scotland. He, however, could really, and truly, and sincerely say, that he was afflicted at the course taken by the Government, for it was clear to him what the result would be. He hoped that the right hon. Baronet would mark his words when he observed that the worst consequences would attend the impression that the Church of Scotland could not continue without these tests, for it would give to the Church of Scotland the worst character of sectarianism. Another result would be, that parents would not allow their children to attend the schools in connection with the Church, but that others would be formed, and there would be created all that vexation of spirit, all those bitter distinctions of religion, all that discouragement of learning, which all past history has shown has ever arisen when the great mass of the people are excluded from those places which should be carefully kept distinct from all peculiar religious opinions. By persisting in this course you will expel those from the Universities, whose reception would be hailed by hundreds of thousands of their fellow-countrymen, who would consider that they had been branded with this mark; namely, that the Legislature had declared them unfit to teach in the Universities of the country, because they could not conscientiously take these Tests. By persisting in this course the House would degrade the character of the Church in the minds of the people of Scotland, and make those who were her best and most sincerely attached members become her bitter foes.

The *Lord Advocate* observed that the House was called upon to repeal certain Tests which had been enacted by the wisdom of their ancestors, and which had continued in existence, without complaint, up to the present time, for the period of about a century and a half. For his own part he had never heard of one practical evil which had resulted from the existence of these Tests, except the case which had recently occurred in the University of St. Andrew's. It was

admitted, as he understood, by the opposite side, that they were reasonable Tests when they were enacted, and that they were intended to protect the Church of Scotland from a danger which was then apparent. No doubt, in the first instance, they were meant to protect the Church from Episcopacy; but not merely this, but also from the danger which might hereafter arise from other quarters. If it were necessary to protect the Church against anticipated danger, then surely that was a reasonable presumption that they should continue to do so now. If it were then necessary to protect the Church against Episcopacy, he did not see why it was not also necessary to protect it now against any body of Dissenters in the country. He might be told that there had been a great change of circumstances since that time; he admitted that it was possible a change of circumstances might justify their abandoning these Tests; but he contended that they must be no light circumstances which could justify such a course. He knew that the Church attached great importance to these Tests, and every care was taken to give validity to them. He had been told that they should be abandoned, because within a year or two a great change had taken place, and a large number of its members had left the Church. He did not know whether his hon. and learned Friend meant to say that because this change had taken place that there was no longer danger to the Establishment, and that securities were less necessary. He could not conceive how his hon. and learned Friend could say that, under these circumstances, there was no longer any danger to the Presbyterian Church from those who dissented from it, and that, therefore, protection could no longer be justified. For his own part, he did not admit that the secession and separation from the Church had taken place to any such extent as had been described by his hon. and learned Friend and by his right hon. Friend opposite, although he admitted that it was still large. He did not believe that only one-third of the people of Scotland continued to adhere to the Church, although a large and very grievous separation had taken place. He might be permitted to observe that, with his right hon. Friend near him, he was more than pleased at the language used by the right hon. Member for Perth with respect to the Church of Scotland, and he sincerely hoped that that language would have its effect with many of those who, with the right hon. Gentleman, have seceded from the Church. He deeply regretted to find that the language of the principal persons who had taken the lead in separating from the Church, was of a very different character, and he must add that he did not believe that there was less danger to the Church from them than from Episcopacy at the period of the Union. He therefore did not think that it could be urged that these Tests were less necessary to protect the Church from the present enemy than from its former one. If he saw indications of the same spirit which animated his right hon. Friend opposite influence the persons to whom he had alluded, his apprehensions would be less strong than they were as to danger threatening the Church. But this was unhappily not the case, and with the existing difficulties and dangers in which it was involved, he could not conceive that it required less protection, and that the House would be justified in removing those safeguards which were formerly provided. He believed that the effect of the Tests at the time they were established, as well as at present, was, to limit the circle from which professors and teachers could be selected; and, as was eloquently observed by his hon and learned Friend, the effect of them would be to exclude Newton and Locke from teaching in the Scotch Universities. Now, although this was perfectly true with regard to Newton and Locke, his hon. and learned Friend must recollect that neither Dugald Stewart, nor Playfair would have been unable to teach in the English Universities in consequence of the Tests. He did not believe, however, that any practical grievance had arisen from the existence of these Tests, and not seeing, therefore, any practical grievance, and seeing an importance attached to them by the Church at the time when they were enacted, as well as at present, he could not give his assent to this Motion. One case of grievance had been mentioned. He alluded to the case of that eminent philosopher, who now filled the situation of Principal of one of the Scotch Universities, who did not teach in a professor's chair, but who had been exposed to harassing proceedings on the part of a Presbytery, the nature of which he did not exactly know, but had only heard of from public report. Whether the case would go further than the trial before the Presbytery, they did not then know. He did not think, however, that because an attempt had been made to remove that distinguished man from the

station which he filled, and knowing nothing of the exact grounds on which it had been made, or whether that attempt would be successful or not,—that the House of Commons would be justified in removing these Tests. It had been stated that these Tests had not been strictly observed for a length of time, and that they had only recently been enforced. Now, he found it stated in the Report of the Commissioners of 1830, that these Tests had been strictly observed and enforced in all the Scotch Universities but that of Edinburgh. He found that the Commissioners had put a question on this precise point to all the Universities, and the answers from all of them but Edinburgh went to show that they were observed. Some of them said that they admitted, in the first instance, a professor on the mere declaration of intended subscription to the Tests, and that on the first convenient opportunity he would take them before the Presbytery; but this promise was always adhered to, and that the Test had always been subscribed to. Although, therefore, his hon. and learned Friend had described it as being so objectionable, it had not been productive of any practical evil. He would not go into the question respecting the hon. Gentleman who had been referred to, belonging to the University of Glasgow. He did not know what particular religious opinions were entertained by him, but it appeared in evidence before the Commissioners in 1830 that the Tests were always taken at that University, at which time the eminent Professor of Greek, who had been named by his hon. and learned Friend, held that Chair, and Sir William Hooker was Professor of Botany, and certainly in these instances these Tests did not prevent these two learned persons being appointed. No doubt there was great advantage in being able to obtain Professors from the southern part of the island; but assuredly there were able Professors also to be obtained in Scotland. As far as he had heard, no practical evil resulted from the imposition of this Test, and certainly there had been no great call for the change required; on the contrary, of the Petitions presented on the subject, the greater number had been against any such change. He saw, therefore, no reason for throwing away the safeguard which the wisdom of their ancestors had thrown over the Scottish Universities.

Mr. *Christie* said, that though unquestionably the refusal of this Bill by the Government was to be lamented, if it led to the ejection from the Scotch Universities of some of their most distinguished ornaments, yet, looking at the question generally, he did not know that it was to be greatly regretted. He looked upon the proposal made as being too reasonable to be, in the long run, defeated by any Government whatever, and he trusted that the course taken by Her Majesty's present Ministers would have the very beneficial effect of leading to a union of the Scotch Seceders with the Roman Catholics and all Dissenters from the Church of England generally, in a comprehensive and vigorous agitation for the removal of all religious Tests in all the Universities of the Kingdom. As to the Tests in question, it was not denied that in the University of Edinburgh, the law had not been observed for a very long time. The Lord Advocate rested his opposition to the Motion on the ground that no grievance had been proved. But the question was, could any good be shown to have been derived from these Tests? Did any one say that any harm had arisen to the Scottish Church from the admission of Episcopalians to the Professorships in Edinburgh? Some of the most distinguished of the Professors in the University of Edinburgh were Episcopalians. Sir William Hamilton, the distinguished Professor of Logic there, and the celebrated Professor Wilson, had both been graduates of the University of Oxford; the Professor of Mathematics was not only a graduate of the University of Cambridge, but was also a clergyman of the Church of England. But after the rejection of this Bill, it was impossible to suppose but that the Tests there would be revived in all their strictness, so as to exclude a clergyman of our Church from the Professorship. Would there be no grievance then? The Universities of Edinburgh and Glasgow came generally to Oxford and Cambridge for Professors of Classical Literature, and also for Mathematical Professors. How stood the case in the late election for the Professorship of Mathematics in the University of Edinburgh? The contest lay between two graduates of the University of Cambridge, Mr. Kelland a senior wrangler (who was chosen) and Mr. Gregory, who had taken high honours, though rather inferior to those of Mr. Kelland. Now, Mr. Gregory happened to be a native of Edinburgh, Mr. Kelland a stranger. If considerations of private friendship and feelings of nationality had swayed the members of the Town

Council, they would have undoubtedly chosen Mr. Gregory, and in choosing him would have selected a most fit man; but they chose Mr. Kelland; and he would ask, therefore, was a body which so exercised its patronage not fit to be trusted with judging whether a candidate was likely to seek to injure the established religion of their country? The subscription to the Confession of Faith was enforced in Glasgow; but were Episcopalians excluded from the Professorships? The Professor of Latin was Mr. Ramsay, a graduate of Cambridge; the Professor of Greek, Mr. Lushington, who was a Fellow of Trinity College, Cambridge for some time after his election to the Professorship, and had signed both the Thirty-nine Articles, and the Confession of Faith; and, as so much had been said of Mr. Lushington, he (Mr. Christie) hoped he might be allowed to add, as that gentleman's friend, that a more honourable and conscientious man did not exist, and he would appeal for a confirmation of this statement to the right hon. Gentleman, the Member for the University of Cambridge. [The *Chancellor of the Exchequer*: "Hear."] Then what was the good of these Tests? No harm had accrued to the Church of Scotland from their disuse in Edinburgh; and their object had not been attained by their continued enforcement in Glasgow. After the course taken by the Government, he should not be prejudicing the case of the right hon. Member for Perth, by saying, that he regretted, as one of the right hon. Gentleman's supporters, that the right hon. Gentleman should have excepted the theological chairs from his proposal. He thought that with reference to theological, as well as to other Professorships, it should be left entirely to the patron or patrons, to judge of the opinions of persons selected. Have Tests for clergymen of the Church, if you please, but in an University, theology should be studied as a science, not with a view to supporting certain foregone conclusions, but with a view to arrive at truth. There Tests were unnecessary, and had only the effect of restricting the choice and cramping the mode in which the study was pursued. These views had lately been supported by a large and influential portion of the University of Oxford, where support for such views could least have been expected. In the great controversy "M'Mullen and Hampden" the whole Puseyite portion of the University were found arrayed against doctrinal Tests, for degrees in Divinity. Dr. Hampden, the Regius Professor of Divinity at Oxford had given certain theses to Mr. M'Mullen, a candidate for the Degree of Bachelor of Divinity to write upon. Mr. M'Mullen first refused to write on these theses, brought an action against the Professor for damages sustained by the loss of his degree, in consequence of not being permitted to write on theses of his own choosing; and having failed in his action, and been obliged to take the theses given by the Professor, he had, a few days back, read his exercises in the Schools, and one of them had been refused by the Professor on the ground of heterodoxy. He still claimed his degree, and was backed by the whole Puseyite portion of the University. Again, a statute had been proposed by the Heads of Houses (which was to be submitted in a few days to Convocation), one of the objects of which was to affirm the Regius Professor of Divinity's right to examine and reject the exercises for Divinity Degrees—a proposition vehemently resisted, and not at all likely to be carried. He viewed this, then, as one form of a most important question, whether it was expedient to have any religious Tests at all in Universities. It was found in the University of Cambridge, where there was no religious Test on admission, that many Dissenters entered, and made no difficulty about conforming to chapel regulations in colleges; and this was a striking instance to show, that the effect of Tests was only to bring out with greater force religious distinctions which otherwise would not be insisted upon, and to strengthen and perpetuate religious dissensions. The right hon. Baronet (Sir J. Graham) had said, that he required the security of these Tests for the Established Church of Scotland, but that as a friend to the Universities of Scotland he had no fear of rival institutions. New institutions would not be formidable rivals to the existing Scotch Universities, but they would be formidable foes to the Established Church of Scotland. If this Motion were agreed to, it might do much to mitigate the dissensions in Scotland. The sons of Established Churchmen and of seceders would then meet and receive education together in common universities, and cement friendships in which their fathers' differences might be buried, and a later, and perhaps not distant, generation might undo the mischief which had been wrought and witnessed by the present.

Sir *G. Clerk* was not surprised that the hon. Member who had just addressed them should—though not connected with Scotland—take an interest in this question, for he had given notice of his intention shortly to bring forward a Motion for the abolition of all Oaths and Religious Tests whatever in the English Universities. Though, as a native of Scotland, he was anxious to argue this question, as bearing on the Church of Scotland, yet he alluded to this circumstance to show English Members what a great principle was involved in the Motion of the right hon. Gentleman. It was not necessary for him to enter into the particulars of the case of Mr. M'Mullen and Dr. Hampden, but he thought that the hon. Member was prepared to push the principle farther than the right hon. Gentleman who had introduced this Motion, for the hon. Member objected to any Test whatever of the orthodoxy of any person claiming the honours of a University. The question on which the House was called to decide was, were they to maintain in every part of the United Kingdom the principle that the great seminaries of education should be connected with the Church through the medium of the great establishments of the country? This was the principle that was adopted in the Universities of Oxford and Cambridge, and at the University of Dublin. This principle was insisted on in Scotland at the time of the Union, and when the Presbyterian religion was established it was made one of the claims of right immediately after the Revolution that the teachers in her University should be not only not hostile to the Church of Scotland, but that they should make a declaration that they were willing to submit to its discipline. He believed that it had been admitted by the hon. Gentleman, the Member for Leith, that the people of Scotland had acted wisely in claiming this protection for their Church. It was perfectly true that at the time that this enactment was passed, the only danger to be apprehended by the Church of Scotland was from persons who professed the Episcopal religion in Scotland. In 1690, it was thought necessary to guard against this influence; and again, in 1707, when about to agree to the Union with a larger portion of the island, they felt it absolutely necessary, considering the small number of Representatives that Scotland would have, to guard against any danger of that kind. After the Union the people of Scotland saw that their apprehensions on this score were unfounded. The Scottish Parliament, at the time of the Union, however, considered it absolutely necessary to take every precaution for the preservation of ther national Church, and they passed a law, which was declared to be a fundamental part of the Union, providing that the Professors of the Universities should take this Oath, and also make a profession of faith according to the doctrines of the Church of Scotland, and also declare their readiness to submit to the discipline of the Scotch Church, as established by law. When the people of Scotland, after some experience, saw that no danger was likely to arise to the Church of Scotland in consequence of the Union, it was not surprising that in some of the Universities some relaxation should take place in requiring that all their Professors should sign these Tests. He thought the argument made use of on this point by his right hon. Friend, the Lord Advocate, was unanswerable. On what ground did they now propose to abolish those Tests which the Church of Scotland and most of the Universities were most anxious to maintain? Because some danger was now anticipated to the Church. The right hon. Gentleman, the Member for Leith, had stated, that since the late secession, the Church of Scotland was not now worth attending to; that it was the Church of a small minority of the people. He was not prepared to agree to this. He admitted that a secession had taken place to a great extent, but he denied that it had taken place to the extent that had been stated. In the part of the country with which he was best acquainted, the secession had not been of any great extent, and he had been in Edinburgh within the last three weeks, and the church which he frequented was fully attended; and, from all the information he had received on the subject, he believed that most of the Established Churches in Edinburgh were nearly as fully attended as before the secession. The effect of the secession had excited a degree of religious feeling throughout Scotland, and he believed that there was a greater attendance in places of public worship than for many years past. It appeared that the Test which it was now proposed to abolish, had been enforced in the Universities of Scotland for the last 150 years. The subject had been carefully inquired into by a Commission, which had been appointed to examine into the constitutions of the Scottish Universities in 1826, and who made their Report

in 1830, and that Commission recommended not only that this Test should be more vigorously enforced in the Universities than it had been, but that a University Court should be established to visit and control the Universities. It was true it had been stated that one of the Commissioners, Mr. Cranstoun, had dissented from that Report, but, in the altered circumstances of the times, and after what had recently occurred did they think it likely that he would dissent from it, had his opinion been called for at the present time? They were now called on to take a step that would have the effect of dissevering the connection between the Universities and the Church, and they were told they ought to do this, because some eminent persons had left the Church, some of whom had held Professorships in the Universities. He agreed in what the hon. Member opposite had stated with respect to Dr. Lushington, that he was a gentleman who would not have taken any Test that could have done the slightest violence to his conscience. He knew many instances of strict Presbyterians who had been members of the University of Oxford, and who, before their matriculation, had signed the Thirty-nine Articles, and he believed that one, who was now a learned Judge, had been a member of Baliol College. They should recollect that what they now proposed to abolish was a fundamental article of the Union. He was not prepared to say, that for all time to come, it was expedient that this rule should be maintained; but, before they consented to any such change, they must have a sufficient case made out, and must have evidence that it was the wish of the people of Scotland that such a change should be made. Under these circumstances, the House ought to pause before it proceeded to do away with a fundamental article of the Act of Union, and they ought to see what was the opinion of the people of Scotland before they proceeded to deal with this question. It should be recollected that in the Universities there was no exclusion of students on account of religious Tests, and they were open to all religious persuasions; and was it because they had thrown open their doors to students of every denomination, that they were now to sever the link that connected them with the Church of Scotland? The House should consider that the great majority of the people of Scotland were attached to the Established Church, and unwilling to break the link which the Test kept up between the Church and the Universities. Let the House not proceed rashly, and, contrary to the mass of the intelligence of that country, to alter a system from which much good and no practical inconvenience had accrued.

Mr. *Bannerman* regretted that the Government had not deemed it desirable to allow the Bill to be brought in, that it might be printed and circulated, on account of its great importance. And he thought that when, some years ago, he introduced a Measure involving the principle of the present Motion, he had met with more courtesy at the hands of the right hon. Baronet at the head of the present Government than the hon. Mover now received from the right hon. the Home Secretary. The Colleges of Aberdeen had petitioned against the preservation of the Tests, as "punishing learned men for nonconformity with the established religion," and affixing a stigma on those who dissented from the Church. Yet these bodies had at one time thoroughly realized the prophecy which he had ventured on, that the right hon. Baronet (Sir R. Peel) would "bring a nest of hornets about his ears." The unjust operation of these tests might be observed in the case of Sir D. Brewster, who for departing from the Church of Scotland had lost his office of Principal of St. Andrew's University. He could see no inconvenience that could result from agreeing to the introduction of the Bill.

Mr. *Mackenzie* thought that there ought to be a unanimous opinion on the part of the people of Scotland, that such a proposition would be advantageous to the country and to the Universities, before the House consented to the Motion of the right hon. Gentleman opposite. Upon that ground he should give his decided support to the right hon. Baronet, and resist the Motion of the right hon. Gentleman opposite.

Mr. *P. M. Stewart*, as an act of courtesy, considered that Government and the House ought to consent to the introduction of the Bill. The present system operated most injuriously to the people of Scotland; it would practically have the effect of preventing a number of persons connected with that country from filling the situation of professorships in the Scotch Universities. Let the Bill be introduced by his right hon. Friend; let it

go down to Scotland, and he would venture to say, that a vast amount of the population of that country would extend to it their support, and pray the House to make it part of the Statute Law of the realm. He asked the right hon. Baronet, he asked Her Majesty's Government to reconsider this discussion; he begged them not to prevent this first step from being taken. A new-born zeal had that night been displayed in favour of the Act of Union, which he had in vain invoked last year. He felt assured that if he were permitted to poll the Scotch Members in the House there would be a majority in favour of the Bill. Let hon. Members go to Scotland and take the opinion of the Scotch people on the subject, and let the Measure stand upon its own intrinsic merits.

Mr. *Colquhoun* would not hesitate, if a real grievance existed, to support the right hon. Gentleman's Motion. But this was not the case. It was a most unseemly thing that a professor of a University connected with the State should be declaiming and agitating against a Church in connection with the State. The right hon. Member (Mr. Fox Maule) spoke of the grievance of the Test. But he (Mr. Maule) did not propose to abolish the Test, but to displace it, and substitute one of his own. Hon. Members opposite told the House that Episcopalians never legislated for the Presbyterian Church without doing injury, and yet the right hon. Gentleman now came down to ask them to legislate, to remove one Test and establish a new one. Had any real grievance or inconvenience arisen from the present system? Had not Malcolm, Lushington, and other eminent men who were educated at Oxford and Cambridge, been instituted to high offices in the Scotch Universities? And there were many cases of the kind. As for Sir David Brewster, he incurred no practical inconvenience. He was deprived of neither his office nor emoluments. All he had to encounter was the possibility of excommunication, a matter he would not be likely to lay very heavily to heart. Again, the right hon. Gentleman opposite, as Rector of the University of Glasgow, defied the Principal, examined the books, proceeded with the visitation, and when the Principal menaced, the right hon. Gentleman regarded it as an idle threat, and said, "If you interrupt me, I will bring you before Parliament." Now he (Mr. Colquhoun) was bound to say, that while no wrong was sustained by any one, there was nothing worthy the consideration of Parliament. When the Test which had been found so useful appeared to inflict real wrong he should then be prepared to reconsider it.

Mr. *Hume* thought all Tests were improper and ought to be abolished; the time had arrived when that abolition should be effected. When they talked, as did the hon. Gentleman who had just spoken, that these Tests were not injurious, he was reminded of the allegation so often made in that House, that the trade of this country flourished in spite of the existence of monopoly; and that the greatness of England was to be traced to its national debt. The Universities of Scotland were not exclusive in their character, they were founded for the benefit of all classes. He believed that if all persons in Scotland had the opportunity of resorting to the Universities, the religious animosities which now prevailed in that country would to a great extent soon be allayed. But, if they maintained these Tests, they would excite a powerful combination against the Universities and Churches among all classes. He thought the right hon. the Secretary of State for the Home Department would have exercised a more sound discretion had he allowed this Bill to be sent down into Scotland, in order that an opportunity might be afforded to the people to express their opinion on its provisions.

Mr. *Forbes* said, he had heard no good reason assigned for the introduction of this Bill. He had not heard in the county which he represented, or elsewhere in Scotland, any such strong desire expressed for the adoption of this Measure as had been represented to prevail in that country. It was for the House to determine whether, in order to remedy what he conceived was merely a fancied grievance, they would interfere with an Act of Parliament which had been passed in the most solemn manner and after due deliberation. He believed, that while the Universities would observe the provisions of that Act with a view to the security of the Church, they would not reject—and they had not hitherto rejected—men of talent and science who were likely to benefit them in the office of professors. He conceived that, if the House refused to allow the introduction of this

Bill, none of the evil prognostications they had heard to-night would be realised.

Mr. *F. Maule* in reply said, that, in the first place, he thought it right to state that he had informed the right hon. Baronet opposite, that if the Government should not agree to the principle of this Bill, and should take upon themselves the responsibility of refusing their assent to it, he would not consider it as a mark of personal discourtesy towards himself if they refused to allow its introduction. He thought that if no better arguments could be urged in defence of these Tests than had been advanced by the right hon. Gentlemen opposite, he might anticipate that the time would speedily arrive when such Tests, in the case of lay professors, would be abolished. The hon. Member for Stamford (Sir G. Clerk) had stated that these Tests were so slight that any respectable men might take them, although entertaining different opinions as to their interpretation, and that any member of the Church of England might subscribe them without doing violence to his conscience. Now, if these Tests were in themselves so slight and insignificant, what was the use of retaining them, and what protection did they afford to the Universities? But he did not consider these Tests as of so slight a nature. What was the nature of these Tests, which must be taken by such men as Dr. Lushington and Mr. Ramsay, Members of the Church of England, before accepting professorships? Those Gentlemen, being members of the Church of England, must declare their concurrence in the Westminster Confession of Faith, and must bind themselves to adhere to the worship, and subscribe to the government and discipline of the Church of Scotland, as now in existence in that country. He must say, as a conscientious man, that he could not conceive how Dr. Lushington or Mr. Ramsay could subscribe such Tests. The fact of their having subscribed such Tests convinced him that, by encouraging and maintaining such Tests, they were supporting a system of immorality on the part of individuals who ought to set a better example to the people. The right hon. Baronet had said that he was delighted to observe, from a newspaper, that a stray brother had returned to the fold,—that a Mr. Law had quitted the Free Church, and rejoined the Establishment. It was a pity that the right hon. Gentleman had not inquired into the circumstances of this case. It was perfectly true that Mr. Law had volunteered to return to the Establishment; but he (Mr. F. Maule) doubted very much whether the Establishment would receive him. Mr. Law had subjected himself to the discipline of the Free Church; the Presbytery of Dundee had visited him with censure, he had been cited to the court, and the result would probably be, that the Presbytery would put him out of the Free Church. In anticipation of that verdict Mr. Law had offered to retire into the bosom of the Establishment. But the very charges on which he was discharged from the Free Church would render him liable to the judicature of the Establishment, and he could not enter that Establishment till he had purged himself of those charges to the satisfaction of its authorities. The hon. Member for Stamford had stated that the people of Scotland complained of no grievance with respect to these Tests, and that the great proportion of petitions presented on this subject had been against his (Mr. F. Maule's) proposal. He did not believe that more than two or three dozen petitions had been presented; and certainly many of them, which had emanated from presbyteries of the Church, were against his Bill, while those in favour of it proceeded generally from professors of the Universities, and from some of the students. But did the hon. Gentleman require that some agitation should be excited before this measure was granted? If that were the case, he would promise the hon. Baronet that there should be such an agitation in Scotland on this subject as would convince him that a majority of the people of that country, whether Members of the Established Church or Dissenters, felt the deepest interest in the question. But his object in bringing forward this measure was to prevent agitation,—to give them an opportunity of legislating on the subject while they could do so calmly and judiciously. He conceived the Government had fallen into a great error in refusing to entertain the question,—that they had taken a course which would lead to the establishment of rival Universities in a field where there was no room for competition. The result would be that seminaries — which, however, would not have the power of conferring degrees—would be established throughout Scotland for the education of youth, while the colleges, which could confer degrees, would have pauper professors, whose instruction would be dispensed to very thin classes.

The House divided on the question that

leave be given to bring in the Bill.—Ayes 101: Noes 128:—Majority 27.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Bannerman, A.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. C.
Bowes, J.
Bowring, Dr.
Bright, J.
Brotherton, J.
Buller, C.
Buller, E.
Busfeild, W.
Butler, P. S.
Cayley, E. S.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Cobden, R.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Craig, W. G.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, W. J.
Duff, J.
Duncan, G.
Dundas, Adm.
Dundas, F.
Dundas, hon. J. C.
Ebrington, Visct.
Elphinstone, H.
Evans, W.
Ewart, W.
Ferguson, Col.
Forster, M.
French, F.
Gill, T.
Gore, hon. R.
Granger, T. C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hawes, B.
Horsman, E.
Hume, J.
Humphery, Mr. Ald.
Hutt, W.
Langston, J. H.
Layard, Capt.
Macaulay, rt. hn. T. B.
M'Taggart, Sir J.
Maher, N.
Marjoribanks, S.
Marsland, H.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Morrison, J.
Napier, Sir C.
Norreys, Sir D. J.
O'Connell, M.
O'Connell, M. J.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Oswald, J.
Palmerston, Visct.
Parker, J.
Pattison, J.
Pechell, Capt.
Philips, M.
Phillpotts, J.
Plumridge, Capt.
Ross, D. R.
Russell, Lord J.
Rutherfurd, A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Shelburne, Earl of
Smith, B.
Stewart, P. M.
Stuart, Lord J.
Stock, Mr. Serj.
Strutt, E.
Tancred, H. W.
Thornely, T.
Traill, G.
Trelawny, J. S.
Tufnell, H.
Vivian, J. H.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Winnington, Sir T. E.
Wyse, T.
Yorke, H. R.

TELLERS.

Fox, M.
Leith Hay, Sir A.

List of the NOES.

Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J.
Baird, W.
Baring, hon. W. B.
Baring, T.
Bell, M.
Beresford, Major
Bernard, Visct.
Blandford, Marquis of
Boldero, H. G.
Borthwick, P.
Bradshaw, J.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cardwell, E.
Charteris, hon. F.
Christopher, R. A.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Colquhoun, J. C.
Colvile, C. R.
Conolly, Col.
Coote, Sir C. H.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
East, J. B.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Farnham, E. B.
Fellowes, E.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Gaskell, J. Milnes
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Grimston, Visct.
Grogan, E.
Hardinge, rt. hn. Sir H.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hughes, W. B.
Hussey, A.
Hussey, T.
Ingestre, Visct.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lawson, A.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Manners, Lord C. S.
Marsham, Visct.
Martin, C. W.
Marton, G.
Master, T. W. C.
Miles, W.
Mordaunt, Sir J.
Mundy, E. M.
Neville, R.
Nicholl, rt. hon. J.
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Pringle, A.
Pusey, P.
Round, C. G.
Shaw, rt. hon. F.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Thompson, Mr. Ald.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Turnor, C.
Wood, Col.

TELLERS.

Fremantle, Sir T.
Baring, H.

DISSOLUTION OF PARISHES IN IRELAND.] Viscount *Ebrington*, in moving for the following papers respecting the Archdeaconry of Armagh,

"1. Copy of the Instrument appointing the present Archdeacon of Armagh; and of any Orders or Acts of Privy Council in Ireland

for disuniting the parishes forming the Union of Armagh: 2. Copies of any Memorials or Letters which may have been addressed to the Irish Government on the subject of the severance of the union of parishes forming the Archdeaconry of Armagh; and of the Answers thereto: 3. Return of any union of parishes in Ireland dissolved under the Act 3 and 4 William IV., c. 37, s. 124,"

entered into a statement of the transactions which led to the appointment of the Archdeacon of Armagh, and referred to the Report of the Ecclesiastical Commissioners on the subject of the Dissolution of Parishes, as well as to certain statements made by the right hon. the Chancellor of the Exchequer in connection with it. The recommendation of the Commissioners with respect to the Deanery of Armagh was, substantially, that a partial Dissolution should take place, by severing a parish from it, and that the Patronage of the Deanery should be vested in the Chapter. About the close of Lord Fortescue's lieutenancy in Ireland, a vacancy occurred in the Deanery of Armagh: and that noble Lord, thinking it would be unsafe to act on the recommendation of the Commissioners, as it was opposed to the opinion of the law officers of the Crown, he gave the Deanery to a Gentleman. The Union of Armagh, however, had not been dissolved, although a correspondence had taken place on the subject with the Primate of Ireland. He was not aware that any Bill had been introduced by the Government for putting an end to this anomaly. If ever such was brought in he should think it his duty to introduce the Bill which was originally intended to be brought in by Lord Morpeth. The Archdeaconry of Armagh consisted of two parishes of nine miles by four and three quarters, the population of the Union was 16,000; there were Churches in both parishes, and the net income was 1,642*l.* but it had now been reduced to about one-third. The Report of the Commissioners recommended a Dissolution of the Union on the first voidance of the preferment. The Government had promoted a Mr. Stokes on the first vacancy to the whole of the benefice. He hoped the House would exhibit a feeling urging the Government to these Dissolutions, and that the Irish Church should be brought up to a proper standard.

Lord *Eliot* said, that the Bill which was adverted to by his noble Friend did not appear to the Government sufficient to give effect to the recommendations of the Ecclesiastical Commissioners; but his right hon. Friends near him concurring in the principles laid down by those Commissioners, and desirous of providing a Clergyman of the Established Church wherever there was a congregation, had it in contemplation to bring in a Measure to carry still further the provisions of the Church Temporalities Act. It was only just to the Government for him to say, that other Governments had not thought it their duty to adhere strictly to the recommendations of the Commissioners to whom he had alluded, and he therefore thought that no blame should attach to the Government of his noble Friend Lord De Grey in that respect. But he could assure the House that no men could be more anxious than were his right hon. Friends near him to give full effect to the Church Temporalities Act, and to make the Church of Ireland as efficient as possible. A measure was now under their consideration which he hoped would have the effect of putting an end to sinecures in the Church, and of making a better distribution of the Clergy of that Church and of its revenue. It would therefore be much better that such a general measure as that should be introduced, rather than any particular enactment such as his noble Friend had spoken of. With respect to the papers moved for by his noble Friend, he had no objection to give them, it being understood that the memorials and papers to which he referred were only official communications addressed to the Irish Government, and not private letters.

Mr. *Shaw* hoped that the House would, even at that late hour, allow him to make a few observations both on the cases of the Archdeaconry and the Deanery of Armagh, referred to by the noble Lord, the Member for Plymouth. First, as to the Archdeaconry. He admitted that there had been a departure from the letter, but, he maintained, not from the spirit of the Ecclesiastical Commissioners' Report of 1831. He concurred in the propriety of severing Unions generally; and if the circumstances had not altered since the Report was made, he should have considered the Dissolution of the Union of the Archdeaconry, fit and desirable; but the principal ground stated by the Commissioners, as read to the House by the noble Lord, was the sufficiency of the income to support two incumbents, and the alteration

in that respect had been much understated by his noble Friend (Lord Eliot). For, whereas the Commissioners had reported the Union as of the value of 1,773*l.* in the year 1831, he then held in his hand a return made out by the present Archdeacon, showing that now—only allowing the deductions made by the Ecclesiastical Commissioners, under the Statute—and all the items were furnished—the entire net income of the united parishes forming the Corps of the Archdeaconry, amounted to 786*l.* 9*s.* 3*d.* If agents' fees, poor rates, and real deductions were included, they would lessen the net income by 100*l.* a-year, and that would reduce the value of the two parishes—not only as his noble Friend (Lord Eliot) had stated, below the value of the larger of the two, Carenteel, but to about the value of the smaller Aghalour or Caledon. Let it be remembered, too, that the Archdeaconry of Armagh, the Primate's Diocese, was one of the most important dignities in Ireland, requiring the highest qualifications in the Clergyman who filled it. When the Archdeaconry became vacant by the promotion of Dr. Stopford to the Bench, due notice of the vacancy was given to the Ecclesiastical Commissioners, and by them to the Privy Council. The subject was maturely considered by the Lord Lieutenant, and canvassed in a correspondence with the Primate; and it was not until after long deliberation, and viewing the case on every side, that it was determined by the Lord Lieutenant that on the whole, it was more for the best interests of the Church to preserve this Union. He was firmly persuaded that it was the interest of the Church which alone influenced the Lord Lieutenant in coming to this conclusion, that it was not for the purpose of aggrandizing an individual clergyman, and exalting him to wealth was manifest, for the preferment was bestowed upon a Gentleman who held a benefice which was of equal value, and who was without any political influence, or aristocratic connexion, but selected solely on the ground of his peculiar fitness for the office, and he was no pecuniary gainer by the change. It was all very fine to say that pecuniary considerations ought not to weigh in a matter of this kind. He would not give them an undue weight; but it was absurd to suppose that a Church could be supported, or that prudent parents would allow their children to choose it as a profession if its highest officers under the Episcopal Bench itself were to be cut down in emolument lower than what he had shown that important Archdeaconry to be. It had been stated that the average incomes of the English Archdeacons was 300*l.* a-year. Now the average of the English Archdeacons is that of their incomes accruing to them from Chapter funds, not at all taking into account their income arising from the cure of souls. The Archdeacon of Armagh has no income whatever as Archdeacon, although he has expenses as such. His income arises solely from the cure of souls. It was impossible, therefore, to institute a comparison between 300*l.* a-year and nothing. The House might not be aware that in Ireland Archdeacons had very little emolument as Members of a Chapter—in Armagh none. It was also stated that the parishes had suffered in spiritual superintendence from not dissolving the Union. Now the position of the parishes was such, that a large part of Aghalour came close to the parish church of Carenteel (in some places within half a mile) and was eight English miles from the parish church and minster of Aghalour. Now, owing to the Union this part was taken care of by the Archdeacon and Curates of Carenteel; if it were dissolved the Archdeacons must cease to interfere, and these persons be left destitute of spiritual ministrations. It had also been said that Lord Caledon had been interfered with in his purpose of building a church; but, on the contrary, the Archdeacon had given every facility for the formation of the district, and allowed Lord Caledon to nominate the clergyman, and the former Curate had not, as stated by the noble Lord, been removed by the Archdeacon, but he had received promotion in another Diocese. Under all the circumstances, then, he contended that the parishes had not suffered, and that every reasonable man would allow that Lord De Grey was justified in preserving the Archdeaconry of Armagh entire. He then came to the case of the Deanery. The second recommendation in the Report, quoted by the noble Lord, related to the Archdeaconry. The first to the Deanery of Armagh, and it was, that the Union of the Deanery should be partially dissolved, and the Rectory and Deanery consolidated, in order to do away with a sinecure; but what had a noble Relative of the noble Lord's, then Lord Lieutenant of Ireland,

done? He desired to speak of Lord Fortescue with that great personal respect which he felt for that noble Lord; but in the instance of the Deanery of Armagh, he could not but condemn his conduct. When the late Dean Jackson suddenly died in France, where he had just arrived for the benefit of his health—no sooner did a rumour of his death reach the Castle of Dublin than Lord Fortescue, without waiting to bring the matter before the Privy Council, in compliance with the enactments of the Church Temporalities Act—without taking into consideration this recommendation of the Commissioners, but in utter violation of it, presented a clergyman to the Deanery separate from the Rectory of Armagh, thereby establishing a new sinecure in the Church. The clergyman whom he presented, the noble Lord (Lord Ebrington) described as a Gentleman of property — and from the time of his presentation to the present, he continued to reside upon his property in the County of Cork, about 200 miles distant from his Deanery. There had been then two departures from the recommendation of the Commissioners; one in the case of the Archdeaconry of Armagh, which he hoped he had succeeded in proving to the House had been only a technical departure, and made by Lord De Grey, with the sole view of benefitting the Church. The other, the act of Lord Fortescue, was a real and substantial departure, establishing a new sinecurist and non-resident, to the great injury and reproach of the Established Church in Ireland. He had not expected from the notice of the noble Lord (Lord Ebrington) that he would have referred that night to the Union of Burnchurch, otherwise he would have brought with him the papers that would have explained it. He freely admitted, however, that it was an Union which ought to be dissolved, and that its continuance was a great evil. He believed that successive Governments had for a considerable time been anxious to dissolve it, but had been prevented by legal difficulties. He knew that the present Bishop of Ossory had, in the strongest manner, urged upon the present Government the importance of severing that Union. He had understood that the Government had a Bill prepared last Session for the purpose, and he hoped that they would not fail to bring it forward during the present Session. To the Papers the noble Lord moved for, as they were only formal, there could be no objection.

Motion agreed to.

ARMS (IRELAND) ACT.] Mr. *Butler* moved for

"Returns of the sums of money demanded by the Clerks of the Peace in the different Counties and Counties of Cities in Ireland, to remunerate them for their additional services under the new Arms Act: Of the sums of money approved of by the different Grand Juries of Ireland for that purpose: Of the number of Arms registered in each county; Of the sums of money demanded and allowed as above to the different Clerks of Petty Sessions under the above Act."

Mr. *M. O'Ferrall* had understood that the Grand Jury had the power of regulating these grants of money, but the fact was, that they would not do it; and the most extravagant expenditure was the consequence. If an Act of Parliament gave the power to vote money there was no Grand Jury in Ireland who would not avail themselves of it.

Lord *Eliot*: What a libel on his own country the hon. Member had just been guilty of; the regulation in Ireland was precisely similar to that in England, and the English magistrates had never been charged with improvidence and extravagance, and he hoped and believed that the imputation against the Irish was not well founded.

Mr. *M. O'Ferrall* denied that he had libelled his own countrymen. He had merely stated facts.

Colonel *Conolly* said, that at the Sessions, and by the Grand Jury at Kildare, the most sedulous attention had been given, and the strictest economy enforced in regard to these matters; so that the charge made by the hon. Member (Mr. M. O'Ferrall) was distinctly false as to Kildare.

Mr. *M. O'Ferrall* would not take that observation as personally offensive to him, he was sure it was not so intended; but had they ever succeeded at Kildare in reducing the expenditure?

Motion agreed to.

POOR LAW (IRELAND)—EMPLOYMENT OF IRISH.] Mr. *French* moved for

"Returns of the names of the different Union Workhouses in Ireland not having been visited by an Assistant Commissioner, from

the 1st day of November, 1843, to the 1st day of April 1844: Of the salary and allowances of the Architect to the Poor Law Commission in Ireland and his assistants, for the last year; specifying the duties performed by him during that period: Of the names of those persons lately appointed Poor Law Auditors in Ireland: Of the medical qualifications of the District Vaccinators appointed for the Newtownards Union, with Copies of any Remonstrances addressed to the Poor Law Commissioners against such appointments: Of the number of the Irish Poor who have been removed from any parish, township, or place in England to Ireland, under the provisions of the Act 3 and 4 William IV., c. 40, between the 1st day of April 1843, and the 1st day of April 1844; Copy of the Resolutions addressed by the Guardians of the Ballinrobe Union to the Poor Law Commissioners, dated the 4th day of April, 1844, as to the impossibility of collecting the Poor Rates without the assistance of a stipendiary Magistrate and a military force."

The hon. Member declared the people of that country had great cause of complaint against both great parties in the House of Commons, for the course which had been by them pursued in respect to this law—it had been enacted in ignorance—it was to be maintained in obstinacy. The Irish Poor Law based and supported solely on the authority of Mr. Nicholls—predictions made with a confidence more akin to ignorance than to knowledge—a confidence that could foresee no difficulties—could anticipate no failures—had proved so ill adapted to Ireland, and so unwisely had the extensive powers granted by it to the Commissioners been exercised, that it was regarded by all classes and by all parties as the most unfortunate specimen of legislation which had yet emanated from the Imperial Parliament. Under this law eight Assistant Commissioners were at present in Ireland, whilst nine were found ample to do all the duties attached to the unions in England and Wales; they had large, much too large, salaries—1,500*l.* a-year each; the large allowance for travelling expenses which appeared in the Estimates was clearly to enable them constantly to attend meetings of the Boards of Guardians, and frequently to inspect the different establishments. The House, would, therefore, learn with astonishment that there were forty-five unions in Ireland which had not been visited for the last six months by an Assistant Commissioner. He found that although the Tipperary workhouse had been nearly destroyed by fire, that from the 24th of October, 1843, to the fourth of the present month, that House had not been visited by a Commissioner, nor by an Assistant Commissioner, nor had any investigation taken place as to the origin of the fire. All this time there was an Assistant Commissioner stationed at eighteen miles distance — for what, then, was this staff maintained? Mr. Nicholls had stated the union accounts were to be audited by them; this plan was abandoned, the incapacity of one Gentleman having been proved in the accounts of the South Dublin Union, where errors to the amount of some hundreds of pounds were discovered in the total of some of the columns which had been duly audited by him. Another Commissioner (Mr. Muckeridge) had lately been dismissed. The accounts reported as audited by him having been found in the greatest confusion, an investigation was ordered, Mr. Handcock was sent down to investigate it; it turned out that no audit had been made for three years, though reported as regularly done. This Gentleman was immediately removed from office. What was the conduct of the right hon. Baronet the Secretary of State for the Home Department? An Englishman misconducting himself in Ireland, was of no moment. He re-appointed him as Factory Commissioner. He should now proceed to the case of the architects. Mr. Wilkinson, an Englishman brought over by Mr. Nicholls, who in his bird's eye view of Ireland was unable to discern any specimens of native talent in the splendid architecture of their public buildings. This Gentleman was brought over at a salary of 1,000*l.* a-year, with as he found by the Estimates, a large bill for extra assistance, travelling expences, &c. amounting annually to 1,000*l.* more. For this there had been erected, as a proof of his skill—they were now useless for any other purpose—upwards of one hundred huge, unsightly, inconvenient, and badly-located workhouses. He protested against the system of giving everything worth holding in Ireland to strangers. The right hon. Baronet at the head of the Government, told them, a few nights since, that they were amply compensated by the numerous small appointments Irishmen obtained in this country. Was this the case? He found by a paper made at the end of last Session, that of clerks of the Treasury, 112

were English or Scotch, one Irish; members of the Steward and Lord Chamberlain's Departments of the Royal Household, 225 English or Scotch, four Irish; Ministers of Foreign Courts, 131 English or Scotch, 4 Irish. But, to return to Mr. Wilkinson—as a specimen of the advantages Ireland had derived from the exclusion of her native architects from his employment, he (Mr. French) would ask the attention of the House to a statement he had received from the Guardians of the Carrick-on-Shannon Union. It was sent to him with a letter signed by the Vice-Chairman, Deputy Vice Chairman, eight Magistrates, upwards of twenty Guardians. They state, that their workhouse was, in defiance of the urgent and unanimous remonstrances of their Board, built on a very exposed high hill, and therefore subject to receive much injury from storms: that before it was fit to receive the destitute poor, a chimney and one gable of the entrance building were blown down, and another gable is from the same cause, at the present time, very considerably out of the perpendicular. They show an absolute waste of upwards of 1,000*l.* in the carriage of materials, from fixing on this most ineligible site. They state, the building since it has been occupied, is in many parts almost untenantable in consequence of admitting the rain through the walls—that the joists, &c. have, particularly in the female infirmary, already begun to rot—that the well for the supply of water for the work-house had been sunk upwards of 100 feet, and only very lately the pumps had been put down; it was, however, perfectly useless; no water has or can be supplied from it; the water for the institution had to be carried daily from the River Shannon at a very heavy expense. He now came to the auditors, four new officers just appointed — who were they? What were their capabilities? There were no such officers in England, and he should be glad to know the reason why the Poor Law, like all other Irish accounts, were not audited here, and this expense saved to the country? The hon. Member also complained of the manner in which vaccinators were appointed. He also complained of the manner in which the Act for the removal from England of persons born in Ireland or Scotland had been carried out, (the 3rd. and 4th Wm. IV. cap. 40), the injustice and oppression of which was admitted even by the Poor Law Commissioners—and great must be the injustice and oppression when these gentlemen call out. They had not, however, recommended to the Government any step to remedy the evil they admitted to exist; but they had recommended the abolition of settlement by apprenticeship —rating a tenement, payment of rates, in short, of all means by which the Irish could acquire a legal settlement in England; harshly, unjustly, and illegally, had they been treated under this law, as he should proceed to show. The hon. Member quoted several examples of ill treatment received by Irish paupers in England. The following will suffice as a specimen: He should read from the Rev. Joseph Kinder:—

"A number of my poor people will be sent off from Hull to-morrow morning to Liverpool, and from Liverpool to Dublin, I am sure you would feel deeply interested in their behalf, if I could describe the oppression and cruel treatment to which they have been exposed. Their only crime is the applications which they have made to our poor-house for relief, during sickness; or, at times when they were out of employment; they have been dragged as criminals from their homes, and detained in the workhouse as prisoners, and are to be sent off to Dublin to-morrow morning. Some of them have resided fourteen years in Hull, some seventeen, some twenty years, having laboured honestly for their bread, and never, except on accidental occasions, as I have mentioned, applied for relief. Arrangements had been made to send them off this morning, Tuesday, at five o'clock. Fifty of them, including men, women, and children, were taken from their homes as I have described. It was not till between twelve and one o'clock yesterday that the circumstances came to my knowledge. I never ceased till late last night in making every effort to get them relieved from this condition. Ten were released, and one day was allowed to the others to make some arrangements respecting their furniture and clothes—the remaining forty will be sent off to-morrow morning."

The Resolution of the Ballinrobe Board of Guardians, was as follows—A. C. Lambert in the Chair:—Resolved

"That our Chairman be directed to lay before the Government and the Poor Law Commissioners, the continued opposition of the rate payers of the Union to pay the Poor Rates, which is increased since the withdrawal of the Stipendiary Magistrates and the assistance of the military; that it is useless and unreasonable to expect the Collectors could do more than they have done—three of them have been assaulted and severely beaten in endeavouring to serve summonses, and the distress rescued from the other two. The Board consider it idle to expect payment of

the rate, except through the assistance of military, under a Stipendiary Magistrate; unless this is granted, there will be no alternative but to close the workhouse at once."

By a Return lately made to the House, it appeared between seven and eight thousand men had been employed during the last year in enforcing the collection of 1,600*l.* and odd, poor rate. Numerous cases were given of one hundred men out all day, and returning with 4½*d.* Was it desirable that such a state of things should continue, or that a law should be persevered in which aggravated every existing evil in Ireland. The attempt to modify the habits of the people by a law, was an absurdity, and must inevitably prove a failure; and although the appointment of a Committee this evening might retard, he was convinced it could not ultimately prevent the repeal of a law as odious as it was inoperative. The hon. Member concluded by moving the Resolutions.

Sir *R. Peel* was sorry the hon. Member had adverted to the old complaint, that injustice was done to Ireland in the disposal of patronage; nothing could be more disparaging to that country than that constant discussion about the injustice which she suffered in the disposal of appointments; as if they were all engaged in a great scramble for the money which the Government had to dispose of. If injustice were done to Ireland in this respect, it could not be with regard to these small appointments that complaints could be made; but the hon. Member had said that there was no Irishman in the Cabinet. Why! was not the Duke of Wellington an Irishman, of whom his country was, and well might be, proud? Let the hon. Member look at our diplomatic service. Who represented the Court of St. James's in the United States? An Irishman. Who represented this country at St. Petersburgh? An Irishman. Who represented this country at Constanstinople? An Irishman. Who represented this country at Paris? An Irishman. If there could be a conclusive proof that the claims of Ireland were not viewed with prejudice, it would be found in that fact. Who was our representative in China? An Irishman. Who was the Commander of our Forces there? An Irishman. Who the Commander of our Forces in India? An Irishman. And who grudged the Irish all these distinctions? Who was not proud to see Irishmen raise themselves to these exalted stations? But, then, let not the hon. Member quote the miserable offices of tide-waiters, and do his countrymen the injustice of complaining that they had not their full share. Why, since he had last spoken on this subject, he had had to appoint to the office of Commissioner of Greenwich Hospital; he had to select the best man from naval officers of eminence, and he selected an Irishman. [Mr. *French:* Your attention had been called to the matter by our observations.] He could assure the hon. Member that the hon. Member's observations would not at all influence him in the disposal of patronage; if they could have had any influence, it must have been accompanied by the strongest feeling of regret at hearing these invidious distinctions raised. He hoped now they should hear no more of them. He could assure the hon. Member that he would not by these means extort what seemed to be his main object, a single appointment from the Government in favour of an Irishman. Let it not, however, be supposed that the fact of a man's being an Irishman would in the smallest respect prejudice the Government against him. Amongst the auditors who had been appointed under the very Act to which the hon. Member's Motion referred, two had been Irishmen and two Roman Catholics; and yet, the hon. Member had said, that the audit of these accounts ought to be transferred to England. In conclusion, he would only say, that if he had ever heard a reason why Ireland should be excluded from patronage, it was in that statement made by the hon. Member for Kildare, who had said that, if they put in an Act of Parliament a power to make a claim, all the Irish Grand Juries would be sure to recognise it and give the money; as they would not have to pay it. He did not believe that that was a well-founded imputation; but certainly if it were, it would afford a good reason why they should be cautious in inserting any such Clause.

Motion agreed to.

POOR LAWS (IRELAND).] Sir *D. Norreys* then moved—

"That a Select Committee be appointed to inquire into the operation of the laws for the relief of the destitute poor of Ireland."

Mr. *Brotherton* protested against proceeding further at that late hour.

Mr. *French* thought it advisable that

the question should not be decided without more decision, and he therefore moved the adjournment of the debate.

Mr. *Shaw* deprecated the appointment of the Committee, and thought his right hon. Friend the Secretary for the Home Department had almost pledged himself to him before Easter, that he would not grant the Committee without a previous discussion upon the propriety of it in that House. Since that time he had communicated in Ireland with many chairmen of Board Guardians, Lieutenants of counties, and others deeply interested in the welfare of the country, and experienced in the working of the new Poor Law—and they one and all agreed that if the Government granted the Committee now moved for by his hon. Friend the Member for Mallow, it would paralyse the law, and render their duties in respect of it, which were now difficult, all but impossible. He was far from saying that the present Poor Law in Ireland was perfect; he had not, from the first, been sanguine of its success; he had regarded it as a very doubtful experiment, as made on too large a scale; and he had himself proposed many modifications and amendments of it, which had been rejected by that House; but when the law had passed, and an immense expenditure incurred to put it in operation, he felt it his duty to lend his best aid to support it and give it at least a fair trial. Considering the opposition it had to encounter—the want of machinery for working it—and that it was a new experiment, and a universal tax upon the whole country—he thought it wonderful that it had succeeded even so well as it had. He believed, in about two-thirds of the Unions it was, on the whole working well, and likely to work better; and, in the case of the remaining third, he thought it had been unreasonably opposed, and that very often by persons who should have known better, and set a better example—but they would now triumph in that Committee. The Government was, as he understood, about to agree to it, and the well-disposed towards the law would be discouraged by it. He was most willing that every information should be obtained upon the subject—that every practicable amendment of the law should be made; but then it should be done upon the responsibility of the Government, and not by their abandoning the law to the mercy of its opponents. It would be very agreeable to his hon. Friend the Member for Roscommon (Mr. F. French), and all others who desired the subversion and repeal of the law; but would be considered as a hostile movement against the law by all those who desired to support it, and were at all acquainted with the forms of proceeding in that House.

Mr. *Bellew* admitted that the law worked well in some parts, and he was anxious that the system should be maintained. But he thought that the consideration of the question should be adjourned.

Sir *R. Peel* said, that certainly it would not be right that this Committee should be appointed without a distinct declaration on the part of Her Majesty's Government, that the Poor Law in Ireland ought to be and should be maintained. The Government had done all in their power to put that law into effective operation; and it must be clearly understood, that in now acceding to the appointment of the Committee, they were taking a step which they considered advisable, because, seeing that in some parts of Ireland there was an unreasonable objection to the law, they thought it possible that by showing its satisfactory operation in other quarters they would be doing something to reconcile public feeling to the enactment where it was less understood.

At the same time he repeated that in giving his consent to the Committee, he wished it to be understood that the Government was determined to maintain the law.

Amendment to adjourn the debate withdrawn, original Motion agreed to.

NEW ZEALAND.] Mr. *Aglionby* named the following hon. Members to constitute the Committee on the affairs of New Zealand:—Mr. Aglionby, Lord Francis Egerton, Viscount Howick, Mr. Lascelles, Mr. George William Hope, Mr. Robert Clive, Mr. Hawes, Sir Robert Harry Inglis, Viscount Ebrington, Mr. Charteris, Sir John Hanmer, Mr. Milnes, Viscount Jocelyn, Mr. Roebuck, and Mr. Wilson Patten.

Mr. *V. Smith* said, that altogether the appointment of this Committee appeared to him to be a very irregular proceeding. The other night the hon. Member for Cockermouth had obtained a vote of the House to the effect that a Committee should be appointed just as he would

obtain a vote for the production of a public paper, and without making a single observation beyond this, that "he believed the Motion was unopposed by the Government." Now, at one o'clock in the morning, the same hon. Member, without saying a word as to the inquiries which the Committee were to institute, proposed to nominate fifteen Members to act upon it, ten of whom were supporters of the present Government, whilst one (Mr. Roebuck) was the supporter of he did not know who, though he believed he was notorious for attacking every colonial administration that ever existed. Really such a proceeding as this appeared to be by no means courteous to the House, whilst certainly it seemed an anomaly that a Committee should be thus appointed, which would have to inquire into the acts and deeds of many Colonial Ministers, past and present.

Mr. *Hawes* would gladly allow the hon. Gentleman to take his (Mr. Hawes) place. He had no wish to stand in the way of anybody.

Lord *Stanley* thought it rather an unusual thing to have the Committee nominated by a Gentleman who was himself a leading Member of the New Zealand Company, which Company was to be put on their trial before the Committee. He thought it desirable that the Committee should have the assistance of Mr. Cardwell, a Gentleman of great ability, and having requested the hon. Member (Mr. Aglionby) to include that Gentleman, was surprised at being told that this was impossible, as the Gentlemen already nominated had given their consent.

Mr. *Aglionby* stated that he used his utmost efforts to procure an impartial and effective Committee, and that neither of the Gentlemen he had selected was either directly or indirectly connected with the New Zealand Company. He had also omitted his own name from the list.

Committee appointed.

Lord *Stanley* gave notice, that he should move to morrow to substitute the name of Mr. Cardwell for that of Mr. Lascelles.

House adjourned at half past one o'clock.

HOUSE OF COMMONS,

Wednesday, May 1, 1844.

MINUTES.] BILLS. *Private*—1°. Manchester Bonding. *Reported.*—Coventry Water Works; Liverpool Fire Prevention; Haltwhistle Inclosure; Farrington and Cwmgilla Inclosure; Bleddfa and Llangunllo Inclosure; Globe Insurance Company.

PETITIONS PRESENTED. By Mr. Ainsworth, and Mr. Neeld, from Bolton, and Cricklade, for Alteration of Ecclesiastical Courts Bill.—By several hon. Members (21 Petitions), for Legalizing Presbyterian Marriages.—By Colonel Rushbrooke, from Hepworth, against further Grant to Maynooth.—By Mr. Bulkeley Hughes, and other hon. Members (15 Petitions), against Union of Sees of St. Asaph and Bangor.—By Mr. Bell (9 Petitions), from Northumberland, by Mr. Christopher, from 45 places in Notts, and by Sir W. Heathcote, from 28 places in South Hants, against Repeal of the Corn Laws.—By Mr. J. Dundas, from 12 Counties, and Mr. Colville, from Derby, for Repeal of Stamp Duty on Hailstone Insurances.—By Mr. W. Patten, from Chorley, for Repeal of Cotton Duties.—By Sir R. B. W. Bulkeley, from Newcastle-under-Lyne, for Reduction of Tea Duties.—By Colonel Rushbrooke, from Suffolk, for punishing Arson with Death; and for Enquiry into Bankruptcy Act.—By Mr. Kemble, from Wandsworth, and Battersea, against Commons Inclosure Bill.—By Mr. Aldam, from Batley (2), and Mr. Pringle, from Hawick, against further Limiting Hours of Labour (Factories Bill); and by other hon. Members (5), in favour of same.—By Colonel Pennant, from Carnarvonshire, in favour of Local Courts.—By Mr. G. Duncan, from Dundee, by Mr. T. Duncombe (85 Petitions), and by other hon. Members (4), against Masters and Servants Bill.—By Mr. Bulkeley Hughes, from Festiniog, and Mr. O. Stanley, from Montgomery, for Alteration of Poor Law Amendment Bill.—By Captain Berkeley, from Gloucester, for Rating Workhouses.

MASTERS AND SERVANTS.] The Order of the Day for the House to go into a Committee on the Masters and Servants Bill having been read,

Mr. *Miles* moved that the Speaker do leave the chair.

Mr. *T. Duncombe* rose for the purpose of giving effect, so far as it lay in his power, to the petitions which he had just presented to the House, and there was no form of the House he would not use as a weapon to defeat a measure which had been truly designated in some of these Petitions as one of the most insidious, oppressive, arbitrary, iniquitous, and tyrannical attempts to oppress the working classes that had been ever made. [*Laughter.*] It might suit hon. Gentlemen to laugh at an attempt to oppress the working classes, but if the House would give him its attention, he would prove to it, and would satisfy the public, that that was the object—and the sole object—of the Bill. He had reason to complain of the manner in which the Bill had arrived at its present stage. To the original Bill no reasonable person would object; it had a humane and proper object in view, and though it increased the power of the Justices, yet it was for the purpose of facilitating the recovery of wages. Under that belief the House passed the Bill through its first stages, but it was under false colours and false pretences. It was then proposed to go into Committee *pro formâ*, to make certain alterations; those

alterations were made, and the Bill came out of Committee without a single word, from the first line of the preamble to the last line in the last Clause the same as it went into that Committee. Therefore, it could not be said that this Bill had been read either a first or second time. The Bill, he reiterated, had been brought to its present stage under false colours and false pretences. And what was the reason assigned for this measure? When his hon. Friend, the Member for Lambeth, asked for some explanation the other night, the hon. Member for Somersetshire said, that the Bill was drawn up by the desire of the Government. Now, if so, it was clearly a Government measure, and ought not to have been brought forward in the House on a Wednesday. On a former evening, the right hon. Gentleman, the Secretary of State for the Home Department, whom he (Mr. T. Duncombe) was happy to see now in his place, had admitted that he was responsible for the alterations made in the Bill, while the hon. Member for Somersetshire said, it had been drawn after the Government pattern. [Sir *J. Graham:* I approved of the form of the Bill, not the substance.] It was both the form and substance of the Bill which he had to deal with, though he cared nothing about the shadow. All he knew was, that the measure, whatever its form, was an invidious attempt to degrade and oppress the labouring classes. What were the provisions of this Bill? A new principle was introduced, unknown to the Legislature of the country. The only Legislation in reference to labour which had heretofore taken place, had been in respect to persons hired for a certain term, and the Legislature had given Magistrates power to fine or imprison persons who did not fulfil their contract, and there had certainly been instances of persons who had been imprisoned under these circumstances. But there was no instance of power having been given to the Magistrates to send persons to the House of Correction for neglect or dereliction of duty in job or piece work. Now, it appeared they were about to put the two kinds of labour upon the same footing, and give the Magistrates the same power in cases of job and piece work, which they now possessed in the case of labour hired for a term. So that whether the contract be in writing or not, when a man engaged to make a hat or a pair of shoes, and did not fulfil his work in the time agreed upon, he might be taken before a single Magistrate, and sent to the House of Correction for two months upon the single oath of the employer. Could the House feel surprise, when such an attempt as this was made, that petitions should pour in from journeymen of every description of trade in the whole kingdom, and from persons employed in every species of industry whatsoever? The Bill would affect every species of labour. The hon. Gentleman intended that the Bill should only affect labourers employed in husbandry. But, as it stood now, it would affect those employed in factories. They might be imprisoned for two months upon the oath of the foreman or overseer, if they were only five minutes too late. In order to carry out this Bill they proposed to repeal six Acts of Parliament, and it would be well before this iniquitous Bill received the support of the House, that hon. Gentleman should know what those Acts were. The first Act which was proposed to be repealed, was the 5th of Elizabeth, c. 4. That was the only Act which justified interference with labour at all, and when Gentlemen looked at the provisions of the Acts which it was proposed to repeal, without substituting anything as good in the place of them, they would at once see the cruel oppression of the Measure now submitted to their consideration. By a Clause in this Act, the Magistrates had the power of seeing that the working classes should have good wages both in times of plenty and of scarcity, and this being so, it was quite right that the Legislature should at the same time guarantee to the employer the good conduct of the men. This was the ground of the Legislative interference with labour. He did not know whether those hon. Gentlemen who advocated a ten hours Bill, were aware that this was the first Act that limited the hours of labour. The twelfth Clause limited the hours of labour of no less than thirty-two different trades. It regulated the hours of labour from March to September, allowing two hours and a half for meals a day, viz.—half an hour for breakfast, half an hour for beer time, an hour for dinner, and half an hour for tea. From September to March the time was limited from sunrise to sunset. It was a Bill, therefore, not only for fixing the number of hours for labour, but also for settling the amount of wages. Now, it was proposed by the Bill before the House to repeal this Act, but there was nothing to be substituted in lieu of it that would give the slightest satisfaction or security to the

working classes. The next Act was the 20th George II., which was also to be repealed. That Act, which might be considered almost obsolete, having scarcely ever been enforced, empowered the magistrate to inflict corporal punishment in certain cases. It also regulated disputes between the masters and men, and it went on to say that, if the servants should be guilty of misconduct, they should be liable to one month's imprisonment. But there was nothing in these Acts that at all related to piece or job work, which was now, for the first time about to be introduced. He considered it a most objectionable and dangerous principle. The 22nd of George II., c. 26, repealed certain portions of the Act of the 20th of George II., relating to the stannaries. He now came to the 6th of George III., passed in 1765, which was also now to be repealed. This empowered the magistrates to enforce the performance of a contract on the part of a workman, as a hired servant, but there was no mention of job-work or piece-work in it. The next Act was 4th George IV., c. 34, passed in 1823. That also was to be repealed; but it had nothing to do with job or piece-work; but it declared that if a person should enter upon his hire, that should be considered evidence of his contract, and tantamount to a contract in writing; and parties breaking their contract were liable to imprisonment. These were the several Acts which it was now proposed to repeal, and then it was proposed to apply certain remedies which were to be found in the Act of 5th George IV., c. 18. This was the most absurd part of the present measure, which was to be extended to Scotland and to Ireland. Now the 5th George IV., was confined to England only: what then could the Scotch and Irish labourers possibly know about its provisions? It was said, that the Bill was not to interfere with the 5th George IV., c. 96 commonly called "The Arbitration Act;" but in that Act there was nothing said about the misconduct or misdemeanour of the parties. It merely empowered magistrates to imprison such parties, who, having submitted their disputes to arbitration, should afterwards refuse to act upon it. This applied both to masters and men, and was a perfectly good law. But by the present Bill, this equal justice was not to be preserved. It mattered not how much the master might oppress, or misbehave himself towards the servant, there was no redress for the poor man. It would, therefore, strictly be making another instance of there being one law for the rich and another for the poor—one law for the employer and another for the employed. He knew not whether the House would sanction that principle, but he would seriously call upon them to pause before they passed so dangerous, so arbitrary, and so cruel a law. Was this the way to keep the labouring classes in subjection? Was there no other medium except through the police and the treadmill? Were those the only resources to which the Secretary of State for the Home Department could appeal for affording security to the State? Were the treadmill and the policeman's staves the only ties the right hon. Baronet could think of to unite the labouring classes with their employers? He thought a better feeling and a stronger attachment of interest might be induced by kindness and good treatment, on the one hand, and by fidelity on the other. Let the House consider the state which many parts of the kingdom were now in. What said Sir Augustus Henniker, as chairman of the Quarter Sessions for the county of Suffolk, a short time ago? He declared "that he did not believe the whole metropolitan police could put down incendiarism in that county, there was so much discontent and suffering prevailing among the labouring population." If this state of things had not yet extended to other parts of the country, it behoved the House to take care lest the passing such a law as this they did make the words of Sir Augustus Henniker apply to every manufacturing district in the kingdom. The right hon. Baronet, the other day, when he (Mr. T. Duncombe) proposed to inquire into the effect which might be produced upon wages by the limitation of the hours of labour, said, "There are no petitions, you have no petitions from the working people." The House would now see what effect petitions had upon the right hon. Baronet. Upwards of 200 petitions had been presented against this Bill. Were there any petitions in favour of it? None. While on the other hand, nearly two millions of the working classes had asked the House not to interfere with their labour in this way, but to reject the Bill. He called upon the right hon. Baronet, therefore, to act consistently, and inasmuch, as he appeared to consider the petitions of the people of importance, to give due weight and consideration to those which had been presented against this Measure. If this Bill should be proceeded with, he should deem it his duty, when in Committee, to read several of those petitions; but he hoped and trusted that he had made out a case

sufficiently strong to induce the House to pause before they proceeded with this sort of legislation. If, unhappily, the House should sanction the Measure, they might depend upon it it would create more discontent and greater ferment among the working classes of the country than any Act which Parliament had been guilty of within his knowledge. He trusted, therefore, that the House would at once reject the Bill, and thereby comply with the wishes and feelings of the thousands and hundreds of thousands who had respectfully laid their petitions before them. The hon. Gentleman concluded by moving, as an Amendment, that the House do resolve itself into a Committe on the Bill this day six months.

Mr. *Hume* seconded the Amendment because he was anxious at once to put a stop to this proceeding. Since the Bill had been introduced several deputations of very sensible working men had waited upon him, declaring that they were prepared to show, if an opportunity were given to them, that this Bill would offend the whole classes of the working men. The Act passed in 1824 was to place masters and workmen on a footing of equality, but this Bill would restore all the injustice which prevailed before the Act of 1824 was passed. This Bill was altogether a new Bill from that which was originally introduced by the hon. Member for Somersetshire. There were several Clauses in the Bill of that hon. Gentleman which would have given relief to the working classes, but those Clauses were not introduced in the present Bill. He could assure the right hon. Baronet that this Bill would raise great indignation and excitement among the working classes. He would suggest to the right hon. Gentleman that he should not force on the present Measure, but either take charge of the other Bill, or appoint a Committee up stairs for the purpose of inquiry into all the laws affecting masters and workmen. If that were done, he was perfectly satisfied that by the assistance of the deputation from the working classes on the one hand, as to the grievances of the present Law affecting them, and from the masters on the other hand, as to the manner in which the Law operated injuriously to them, the Committee would be able to make such a Report as would admit of the House legislating wisely and justly for all parties, without disadvantage or oppression to any.

Sir *James Graham* said, he had not the least difficulty whatever in giving the hon. Member for Montrose, and the House the assurance which, at the end of his observations he expressed a desire that he (Sir J. Graham) should give—viz., that he had the most earnest desire possible in this matter to consult the feelings and interests of the working classes, and to do nothing which should operate harshly upon them or to their disadvantage. And he could assure the House that if he were not satisfied by diligently looking into the details of this Measure, and by contrasting the existing law with the Clauses of this Bill, that the interests of the working classes would be promoted by the present Measure, he should not have given it that limited sanction which he had promised. The present law appeared to him to operate against the workmen, and unduly and unfairly in favour of the masters. By the Law now in force, any employer might complain against a servant or labourer for alleged misdemeanour, miscarriage, illbehaviour, or misconduct before one justice, who might forthwith issue, not a summons, but a warrant, to apprehend the person of the labourer, and might on proof of breach of contract imprison him with hard labour for three months. But, if, on the other hand, a servant or labourer complained against his master, he had no warrant to apprehend the master, but a summons only was issued. And if even it should be shown to the satisfaction of the magistrate that the master had broken his contract, not only was there no imprisonment —no remedy against the person of the master, but the magistrate had not even the power to compel the payment of any wages that might be due to the servant; all he could do was, to put an end to the contract, which was in itself often times an additional injury to the workman. This was the existing state of the law, and he thought the House would agree with him, that it was not equal or satisfactory. He had therefore concurred with the hon. Member for Somersetshire in thinking it desirable to redress the balance, and make the law more equal. Now what was it that this Bill did? It gave power to the Justice to give damages against the master in favour of the servant or labourer, and it provided, that the servant or labourer should only be apprehended on a warrant, where evidence should be produced to the satisfaction of the magistrate, and that upon oath, that

the servant or labourer was about to abscond. In the absence of such evidence, a summons was substituted for a warrant. The term of imprisonment now was three months, by this Bill that term was reduced to two months. The hon. Member proposed that these powers should be conferred on one magistrate only. He differed from the hon. Gentleman in this respect, and proposed it should be given to two magistrates. He thought that these were valuable improvements in the present state of the law, and restored an equal balance between master and man. By the last Clause of the Bill, the Arbitration Act was preserved intact. Looking to the terms of that Act he observed that the power of arbitration was limited to certain trades. Now, if it were desirable, he should not be indisposed to extend that power to all descriptions of trade. The only point then in this Bill which involved any novelty, was the extending the operations of the existing law to job work and piece work. That was the single question this House had now to debate. Upon that point he was disposed to believe that the hon. Member for Somerset was right, and the hon. Member for Finsbury was in error, but he was perfectly prepared to listen without prejudice to any argument upon that subject. His judgment at the present moment was in favour of the extension. He might be permitted to say, in his opinion, that the terms used in the Act of 20 George II., c. 19, might fairly be considered to include job and piece work, and that it was a mere question of construction, and the whole and sole matter now in debate was, whether the House of Commons would put a construction upon the words of that statute, which should extend its operation to job and task work, notwithstanding an adverse decision by the courts of law. If it could be shown to his satisfaction that by so extending the law any injury was likely to be done to the working classes, he would not favour it, but he thought the probable bearing of such an extension a fair matter of discussion in that House. If he thought it could be inquired into with more propriety in a Committee up stairs, he should not object to it, but if he was right as to the operation of the existing law, and if it were a mere question of construction, he thought it would be better that the discussion upon the point whether the law should be applied to task and job work should take place in a Committee of the whole House than in a Committee up stairs. Upon that ground he should be disposed to resist the Amendment of the hon. Member for Finsbury. When they arrived at the 4th clause the whole debate might be taken upon the point which the hon. Gentleman had raised, and he should be prepared to treat with the utmost attention any arguments which might be urged to show that the alteration would be unfavourable to the working classes. Feeling, however, that at present there was not a well-founded objection to the further progress of this Bill, he thought the Measure was sufficiently ripe for the House being allowed to go into Committee upon the whole of its provisions.

Mr. *Granger* considered this a most inopportune moment for introducing such a Measure as this, and he should therefore support the Amendment of the hon. Member for Finsbury. He should like to know what complaints had been made, either by the masters on the one hand, or by the workmen on the other, to call for this most unreasonable proposition. He could assure the right hon. Gentleman that if the working classes were asked whether they would, for the sake of having the advantages which this Bill purported to give them, submit to be liable to be imprisoned by two magistrates for the non-performance of any specific contract they might enter into, the answer from one end of the country to the other would be a decided negative.

Mr. *Miles* felt himself placed in rather an anomalous position. He did not know whether he were to consider this Bill his own or not, or whether he were at liberty to state what alterations he might wish to propose in the Committee or not. He had been told that the form of the Bill was the Goverment's, but that the substance of it was his own; and one hon. Gentleman had said that he did not object to the Bill as originally introduced. Why, then, should he object to this? He was perfectly certain that if the hon. Member had looked at the Bill as introduced by himself, and had compared it with the one now before the House, he would have found very little difference between them. In proposing the alterations in the existing Law, he did not do so in order to oppress the poor, he did it for the purpose of supporting what he conceived to be their indubitable rights. At present, in his conception, servants and labourers were placed in a most extraordinary position. The Law was di-

rectly against them, for literally speaking, unless the master had goods, the servant was without a remedy, for he had no power to touch the master himself. The right hon. Baronet had shortly stated the Law as it now existed, and what the Law would be if the alterations proposed should be adopted. Now, assuredly, unless the hon. Gentleman who opposed this Measure, could show that these alterations would not take place, and that there was something in the Bill which was directly opposed to what was admitted to be the principle of it, and which principles some of those hon. Gentlemen themselves approved of, they must adopt this Measure. He considered the Bill now before the House, a very great improvement upon the Law under which the magistrates now acted. He had seen the operatives, and he believed it was wholly owing to misrepresentations that they opposed a Bill, which would give them remedies in cases where nothing but a suit of Law could now afford them redress. These were his sole reasons for introducing this Bill. There were many trades, such as bricklayers and journeymen sawyers, who had no relief, and to them he proposed to give relief by this Bill. A remedy by way of damages was given for the first time by this Bill, and the question was whether, if the master refused to pay damages, he should be imprisoned: that, however, was for the consideration of the Committee. He objected, however, to a Committee up stairs, because every Member in the House who had ever acted as a magistrate, must know the Law of Masters and Servants. One of the main reasons for the Bill was to define the term "other persons," which had been registered in the respective courts to persons *ejusdem generis*.

Mr. *Bernal* thought that his hon. Friend the Member for Somersetshire was something more than the putative father of this Bill, and, therefore, he ought to obey the order of affiliation that had been made upon him. He (Mr. Bernal) however, thought this Bill ought to have been made a Government Measure, especially as the public mind was so ready to receive impressions good or bad, on all such subjects. The right hon. Baronet the Home Secretary had omitted to mention the provisions of the Statute the 4th George IV. c. 34, which expressly provided that the punishment of hard labour should be superadded to three months' imprisonment. Was the right hon. Baronet or the House prepared to apply, as proposed, this Enactment to every class of handicraft in the kingdom? The hon. Member for Somersetshire (Mr. Miles), when he spoke of the public mind being fully alive to all the proceedings of the House with regard to the Factory question, had totally forgot to state that every operative engaged, no matter in what manufacture, would under this Bill be bound to remain any time provided by the contract in the Factory, or if he absented himself for a single day in the week would be liable to be brought before a magistrate for punishment and imprisonment. He was not prepared to say that there were not Clauses giving greater facilities to the operatives for the recovery of their wages, but the point he had mentioned was a great stumbling-block; and though he was willing to amend the Bill, he must still support the Amendment of the hon. Member for Finsbury. He deemed it a Bill which ought to be begotten by the Government, reared by the Government, and nursed by the legal authorites of the Government, and not left to the accidental assistance of any independent Member.

Mr. *B. Escott* complained of the 4th Clause, which gave the most enormous powers ever given by any Act. Let them not pass a Bill merely because it was not so bad as a law made in barbarous times. It ought to be good in itself. He should divide on every Motion of the hon. Member for Finsbury against so grievous a Clause as the 4th.

Sir *G. Strickland* said that a law on this subject should not only be needed, but humane and just. The Bill not only affected factories, but also weavers and their employers, from whom he (Sir G. Strickland) had received numerous petitions. If this Bill passed, it would be the greatest act of tyranny against the working man which this House or any Legislature had ever perpetrated. The servant required protection, not the master. They ought not to give powers to one Magistrate to be exercised, perhaps, most unjustly, and he felt himself bound to vote with the hon. Member for Finsbury.

Mr. *Gally Knight*: Sir: This is tremendous. This cross-firing from the batteries on either side of this House, Whig and Tory, discharging their heavy shot into our devoted bark, and calling out to us to surrender in the awful name of the people. Sir, I am aware that the House

is very likely to suspect that there may be something wrong in a Measure which is thus opposed: and I am equally aware of the clamour which has been raised against it out of doors. Never in my life was I more astonished than I have been by the sensation which this proposition has excited—and by seeing myself shewn up as a monster of cruelty and tyranny, merely because my name appeared at the back of this Bill. But when I inquired into the matter, I soon discovered the cause. I soon discoverd that the opposition to this Bill arose from our having accidentally come across the meditated strike of the colliers—the great strike which was to have taken place throughout the whole of the North of England on the same day. Sir, I hold in my hand the proof of this: this newspaper contains the account of one of the earliest meetings which took place on this subject, at Sheffield, where a delegate from Glasgow was introduced on behalf of the colliers, and, on behalf of the colliers, besought the assembled operatives to do their utmost to defeat this Bill. And how did he engage them to oppose it? By reading to them a Clause which is already the law of the land, (the 4th Clause of this Bill,) and giving them to understand that it was entirely new matter, and levelled against the liberties of the working classes of every description—whereas the truth is, that this Clause is only re-enacted here because the Act in which it already exists is repealed by this Bill; and the only really new matter in this Bill is entirely in favour of the workng classes. And this is the way in which the people are deceived, in which the peace of the country is disturbed, in which bad things are accomplished, and good things prevented. Sir, I must say that my hon. Friend, the Member for Finsbury, would have acted a much kinder part by his clients, if he had explained to them what was the truth, instead of encouraging them in their erroneous views. I must say, that never was a grosser deception practised upon a people; never did a people labour under a more complete mistake. The real object of this Bill, its only object, is to assist the working classes. By a recent decision of the Court of Queen's Bench it has been ruled that, under the Act which enables Magistrates to interfere between masters and servants, Magistrates are only enabled to interfere in such cases as are specifically named in the Act; so that if an agricultural labourer comes to me, as a Magistrate, and represents to me that he has been reaping or hedging, and cannot get the money which is due to him, I am obliged to say, "I am very sorry for you; if you had been making pots I could have assisted you, because a potter is named in the Act, but as you have only been reaping, I can do nothing for you." Sir, I do hope that this House will not be deluded by misrepresentations, and will not prevent that assistance from being rendered to numbers of labouring men, for whose benefit, and for nothing else, this Bill was designed.

Mr. *P. Howard* was opposed to the Measure. It might be wise to consolidate the law, but gold might be bought too dear. On such an important subject nothing could be effectually done by a private individual. The existing law had always been found sufficiently strong to control combinations. Throughout the country great excitement was felt against the Bill, and in the town he represented, the most vivid apprehensions of it were entertained. It was unfortunate that a Measure dealing with one of the most delicate questions that could arise in the social state, should have been offered to the House without the previous recommendation of a Committee, according to the usual course. Great danger would arise from single Magistrates adjudicating on questions of this nature. At the same time that he gave full credit to the hon. Member who introduced the Bill, he trusted that the hon. Member would withdraw it, in order that they might see the Bill taken up in another Session, by his right hon. Friend the Secretary for the Home Department, and the interests of all classes duly and fairly weighed.

Mr. *Collett* said, as the Bill went to increase the power of Magistrates, and many of the Clergy were Magistrates, and, as he was altogether opposed to increasing the power of the Clergy, he should oppose the Bill with all his power.

Mr. *R. Palmer*, amidst much impatience, which rendered him at times quite inaudible, was understood to explain the circumstances under which his name appeared, on the back of the Bill. An alteration in the law had become advisable, in consequence of some recent decisions of the Court of Queen's Bench. As the Bill now stood, it was very different from the Bill brought in by his hon. Friend (Mr. W. Miles,) and he confessed he pre-

ferred the original Bill, as being more intelligible and more simple. It had been asked whether workpeople in factories and other places would be affected by the Bill? He believed that many cases of this kind were provided for by special Acts of Parliament; but, at any rate, he thought the exceptive Clause at the end of the Bill, excluded all such occupations as were not named expressly in the Bill. If there was any doubt, a Clause to set it at rest could be introduced in Committee. Nothing had been further from the intentions of those who framed the Bill than to oppress the labourer.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 54; Noes 97: Majority 43.

List of the AYES

Adare Visct.	Holmes, hn. W. A'C.
Adderley, C. B.	Johnston, Sir J.
Ainsworth, P.	Knight, H. G.
Alford, Visct.	Lawson, A.
Barclay, D.	Mackinnon, W. A.
Broadwood, H.	Mildmay, H. St. J.
Bruce, Lord E.	Miles, P. W. S.
Bruges, W. H. L.	Neeld, J.
Cavendish, hn. G. H.	Newdegate, C. N.
Chute, W. L. W.	Nicholl, rt. hn. J.
Clerk, Sir G.	Norreys, Lord
Corry, rt. hon. H.	O'Brien, A. S.
Cripps, W.	Packe, C. W.
Darby, G.	Richards, R.
Dickinson, F. H.	Shaw, rt hn. F.
Dodd, G.	Somerset, Lord G.
Douglas, Sir C. E.	Sotheron, T. H. S.
Flower, Sir J.	Stanton, W. H.
Fremantle, Sir T.	Sutton, hn. H. M.
Gladstone, rt. hn. W. E.	Taylor, E.
Glynne, Sir S. R.	Taylor, J. A.
Goring, C.	Tollemache, J.
Goulburn, rt. hn. H.	Trollope, Sir J.
Graham, rt. hon. Sir J.	Trotter, J.
Greene, T.	Wrightson, W. B.
Hayes, Sir E.	TELLERS.
Heathcote, G. J.	Miles, W.
Henley, J. W.	Palmer, R.

List of the NOES.

Aglionby, H. A.	Clay, Sir W.
Aldam, W.	Clive, hon. R. H.
Arkwright, G.	Collett, W. R.
Barnard, E. G.	Colvile, C. R.
Bellew, R. M.	Copeland, Ald:
Berkeley, hon. C.	Crawford, W. S.
Bernal, R.	Denison, J. E.
Bernal, Capt.	Dennistoun, J.
Borthwick, P.	Duncan, Visct.
Bowes, J	Duncan, G.
Bowring, Dr.	Duncannon, Visct.
Brotherton, J.	Duncombe, hn. A.
Buckley, E.	Escott, B.
Bulkeley, Sir R. B. W.	Evans, W.
Byng, rt. hn. G. S.	Ewart, W.
Feilden, W.	Napier, Sir C.
Fielden, J.	Norreys, Sir D. J.
Ferguson, Col.	Pattison, J.
Ferrand, W. B.	Pechell, Capt.
Forster, M.	Philips, M.
Gardner, J. D.	Plumridge, Capt.
Gisborne, T.	Protheroe, E.
Grimsditch, T.	Pryse, P.
Hall, Sir B.	Pulsford, R.
Harris, hn. E. A. J.	Rashleigh, W.
Hatton, Capt. V.	Ricardo, J. L.
Hawes, B.	Roebuck, J. A.
Hervey, Lord A.	Scholefield, J.
Hill, Lord M.	Scott, R.
Hindley, C.	Smith, B.
Hodgson, R.	Smythe, hn. G.
Houldsworth, T.	Stansfield, W. R. C.
Howard, hn. J. K.	Strickland, Sir G.
Howard, Lord	Thornely, T.
Howard, P. H.	Towneley, J.
Hume, J.	Trelawney, J. S.
Hussey, A.	Tufnell, H.
Hutt, W.	Vane, Lord H.
Leader, J. T.	Villiers, hon. C.
Liddell, hn. H. T.	Wakley, T.
Loch, J.	Wall, C. B.
Mc Geachy, F. A.	Ward, H. G.
Maher, N.	Watson, W. H.
Manners, Lord J.	Wawn, J. T.
Marshall, W.	Williams, W.
Marsland, H.	Wilshere, W.
Martin, J.	Yorke, H. R.
Milnes, R. M.	TELLERS.
Mitcalfe, H.	Duncombe, T.
Morris, D.	Granger, T. C.

Committee put off for six months.

DETACHED PARTS OF COUNTIES.] House in Committee on the Detached Parts of Counties Bill.

On the 1st Clause,

Mr. *M. Sutton* moved that the latter part of the Clause be expunged, with a view of preventing the Bill from interfering with the Franchise under the Reform Bill.

[As there seems a discrepancy between Mr. Manners Sutton moving to leave out words, and voting to keep them in, we subjoin the whole statement of the Division from the Votes of the House.]

DETATCHED PARTS OF COUNTIES BILL,—In the Committee:)—First Clause (Detatched portions of Counties to be part of the County by which they are surrounded):—Amendment proposed, page 1, line 9, to leave out from the word "That" to the end of the Clause, in order to add the words, "every part of any County in England or Wales which is detatched from the main body of such County shall be considered, for all purposes, as forming part of that County, and of that Division or Riding, or those parts of which it is considered a part for the purposes of the Election of Members to serve in Parliament as Knights of the Shire, under the provisions of an Act passed in the third year of the reign of his late Majesty (3 and 4 Will. 4, c. 64), intituled, 'An Act to settle and describe the divisions of Counties and the limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament:'"—Question put, "That the words proposed to be left out stand part of the Clause:"—

The Committee then divided on the

question that the words proposed to be left out stand part of the question :—Ayes 15; Noes 19 : Majority 4.

List of the Ayes.

Arkwright G.	Goulburn, rt. hn. H.
Borthwick, P.	Hayes, Sir E.
Bruges, W. H. L.	Shaw, rt. hn F.
Colvile, C. R.	Sotheron, T. H. S.
Copeland, Mr. Ald.	Thompson, Mr. Ald.
Cripps, W.	Wrightson, W. B.
Douglas, Sir C. E.	TELLERS
Gladstone, rt.hn. W.E.	Sutton, M.
Goring, C.	Hodgson, R.

List of the Noes.

Aglionby, H. A.	Muntz, G. F.
Bellew, R. M.	Norreys, Sir D. J.
Butler, hn. Col.	Protheroe, E.
Fielden, J.	Scholefield, J.
Ferguson, Col.	Smith B.
Hindley, C.	Strickland, Sir G.
Hutt, W.	Thorneley, T.
Mackinnon, W. A.	Yorke, H. R.
Marsland, H.	TELLERS
Mitcalfe, H.	Scott, R.
Morris, D.	Brotherton, J.

House resumed.

House counted, and as forty Members were not present, adjourned at seven o'clock.

HOUSE OF LORDS,

Thursday, May 2, 1844.

Minutes.] Bills. *Public.*—1ª. Service of Process.

Private.—1ª. Newbury and Basingstoke (London and Southampton) Railway.

2ª. Hartlepool West Harbour and Docks; Furness Railway; Birkinhead Improvement; New British Iron Company; Newquay Harbour and Tramroad; Mackenzie's (Scatwell) Estate.

Reported.—Manchester and Birmingham Railway (Macclesfield and Poynton Branch); Eastern Counties Railway; Glossop Market; Rodbar's Name; North British Railway.

Petitions Presented. By the Duke of Buccleugh, and Lords Prudhoe, and Redesdale, from East Cumberland, and 3 other places, for Protection to Agriculture.—By Lord Brougham, from Paisley, and 3 other places, against, and by the Marquess of Bute, and Lords Brougham, and Monteagle, from Hackney and 17 places, in favour of the Dissenters Chapels Bill.—By Lord Campbell, from Tullylish, and 10 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Lord Brougham, from Masters and Workmen of Hawick, against the proposed Factory Bill.—From Schoolmasters of Scotland, for Improving their Condition.—From Dumfries, against the present Laws relating to Scotch Universities.—From Limerick, for Improving the Condition of the Working Classes of that Town.—From Ovington, and 2 other places, for Inflicting the Punishment of Death upon Persons Convicted of Arson.—From Working Classes of Edinburgh, for Improving the present Unhealthy Condition of that place.—By Lord Brougham, from Richmond, and parts adjacent, for the Adoption of a Measure for the Better Recovery of Small Debts.

Debtor and Creditor Law (Ireland).] Lord *Campbell* said, he would now, with their Lordships' permission, lay upon the Table a Bill for the better administration of justice, in recovering Debts in Ireland, so as to enable persons who had contracted debts in Ireland, and who were absentees from that country, to be sued, so that judgment might be obtained against them, and their lands and goods taken in execution, for the benefit of their Creditors. In doing this he was exceedingly sorry to be obliged to bring a serious complaint against the Irish Government, for it appeared that the inconveniences experienced from the present state of the law on this subject, within the last two or three years, had been found so great that representations had been made again and again to the Irish Government, which had refused to interfere. He held in his hand a letter which had been addressed to the Secretary for Ireland, on this subject, which so well explained the amount of the evils now experienced and the necessity of effecting a remedy, that he would take the liberty of reading it to them, with the accompanying correspondence, which would show the manner in which the proposal of a remedy had been received by the Irish Government. It was from a most respectable Solicitor, who was well acquainted with the results which the present state of the law produced. The noble and learned Lord then read the following letters :—

"62, *Fleet-street, Dublin, Oct.* 12, 1842.

"My Lord—From having been, in my professional capacity, consulted by several parties, traders, and required to aid them in recovering, by law proceedings, debts justly due to them, and from having been unable to give them any assistance whatever, in consequence of the existing state of the law in Ireland, I am induced to bring the matter under the consideration of your Lordship, and trust that it is one which, if your other pursuits give you time to attend to it, your Lordship will deem worthy of a statutable enactment to remedy.

"My clients had given goods on credit to a Gentleman of large property in a central county. He holds the Commission of the Peace, and in the year 1839 was High Sheriff of the County. To one of them he has given bills, now overdue and unpaid, for payment of his account; and to the others their debts are due, being book accounts only, but they are to a considerable amount, and of much consequence to the Creditors.

"The Debtor has lately left Ireland, having become embarrassed in his circumstances, and is resident on the Continent; but the case would be the same were he in England. His residence is known. He draws from this country regularly his rents to a very large amount; and

yet, from the present state of the law, my Clients and other Creditors were unable to arrest him when leaving the country, and are now, though refused payment, unable to take a single step to recover the debts due to them, or receive one farthing of their Debtor's Rent-roll, being unable to obtain a judgment against him.

"The Insolvent and other Acts recently passed, while they have in some respects facilitated Creditors, have given every relief to Debtors, and it appears a great hardship that a *bonâ fide* Creditor cannot recover his debt out of the property of his Debtor, merely because the Debtor may choose to leave this, and reside in another country.

"As the law at present exists, besides, Debtors have the power, when abroad, of borrowing money and executing bonds, on which judgments can be entered, and thereby give to favoured Creditors fraudulent preference, and valid security, with priority of charge on their property here, while the earlier Creditor remains unpaid.

"If the Debtor were dead, the simple contract Debt would be a charge on his real estate, which could be sold for payment of it; but as long as he is living, the debts cannot be recovered.

"The hardship of the case is still greater, when proceedings have to be taken against partners in trade, one of whom resides in England; and although the partner in Ireland cannot defeat the action now by pleading the nonjoinder in abatement, still no judgment can be had under which the partnership property can be taken.

"Such a provision would quickly bring back to reside in Ireland, and settle with their Creditors, many persons now resident abroad, and would be of great service to the numerous body of traders who sell goods on credit, and in general to all persons to whom debts are due by simple contract.

"I trust I have not trespassed on your Lordship's valuable time, and remain,

"Your Lordship's most obedient servant,

"Henry Oldham.

"The Right Hon. Lord Eliot, Dublin Castle."

"*Dublin Castle, October* 13, 1842.

"Sir—With reference to your representation of yesterday's date, respecting the difficulty that is experienced in the recovery of debts in certain cases, I am directed by the Lord Lieutenant to acquaint you, that the matter will be considered; but the Government cannot undertake to bring forward any Bill upon the subject.

"I am, Sir, your obedient servant,

"To Henry Oldham, Esq." "E. Lucas.

"62, *Fleet-street, Dublin, March* 1, 1843.

"My Lord—I respectfully beg leave to enclose a copy of a letter I some time since addressed to your Lordship, on the hardship in certain cases of the law of Debtor and Creditor in Ireland; and I trust you will deem the matter of sufficient importance to merit your attention on the introduction of the Bill for the regulation of the offices of the Law Courts here.

"I have the honour to be,

"Your Lordship's very obedient servant,

"Henry Oldham.

"Right Hon. Lord Eliot, Irish Office, London."

Irish Office, March 6, 1843.

"Sir—I have to acknowledge the receipt of your letter of the 1st instant, and of its enclosure, respecting the difficulty which is experienced in the recovery of debts in certain cases.

"I beg to acquaint you, that due consideration has been given to the subject, and that the Irish Government cannot undertake to introduce such a measure as is suggested in your communication.

"I am, Sir, your obedient servant,

"To Henry Oldham, Esq." "Eliot."

Notwithstanding the representations thus made, down to the present time nothing had been done. So long as the law remained in its present state, if the Debtor was not living within the jurisdiction of the Irish Courts, they could not interfere by *distringas* or any other course, so that the Creditor could not have a *custodias* against him. He (Lord Campbell) should have thought that the Irish Government would have had no hesitation in at once applying the proper remedy—such a remedy as was proposed by the Bill now before Parliament for an alteration of the law of England on this subject. He begged to offer in the present Bill a remedy similar to that which was proposed to be applied in England, whereby power would be given to the Courts to allow service out of their jurisdiction.

The Earl of *Wicklow* said, if the alteration proposed for the law of England were approved of, it would be quite right that a similar Bill should be passed for Ireland; but it was rather extraordinary in the noble and learned Lord to take this occasion of bringing a charge against the Irish Government because they said they did not think it expedient to bring forward such a Bill. The noble Lord had himself been for several years a Law Officer of the Crown, and why had he not brought forward such a Bill himself before the present Session? How did the noble Lord know that the Irish Government had not reason sufficient to induce them to pause before introducing such a Bill? It was possible that, however plausible this Bill might be,

their Lordships might upon consideration, find it necessary entirely to reject it; at all events he hoped their Lordships would be induced to look narrowly at its provisions.

Lord *Campbell* said, if he had been aware at an earlier time of the practical inconveniences resulting from the present state of the law, he should long ago have brought in such a Measure, but he had been entirely unacquainted with them. That excused him for the delay; but the Irish Government had no such excuse, since representations had been made to them two years ago. A Bill for the amendment of the Law of England in this respect had been read a second time with the entire approbation of the House, and his noble and learned Friend on the Woolsack had promised to give it his support in all its stages. It was very desirable that a similar Measure should pass for Ireland, to provide a remedy against absentees, who, in many cases previous to leaving the country, disposed of their personal properties, and had their rents of their freehold estates remitted to them in places out of the jurisdiction of the Courts of Law. If the Measure to which he had alluded would provide a salutary Reform of the Law of England, that which he now proposed would be equally beneficial for Ireland.

The Earl of *Wicklow* did not mean to condemn the Measure, but he thought that the noble Lord might, at least, have waited to see whether it were approved of by Parliament, before bringing a charge against the Irish Government.

Bill read a first time.

HOLYHEAD HARBOUR—RAILWAYS.] Lord *Monteagle* said, he was anxious to know, from the noble Duke opposite, if Government intended to continue and extend the works in progress at Holyhead Harbour. He looked upon this line of communication as one of great national importance, especially from the Railways which were in progress on this route, and should regard its abandonment as a national calamity.

The Duke of *Wellington* said, it had been a question whether Holyhead Harbour should be repaired or another harbour constructed. Government had taken into their consideration the means of facilitating the communication between this country and Ireland, and undoubtedly it was their intention to continue the communication by Holyhead. In respect to the grant of money, the consideration of that part of the subject had been postponed until the question of Railroads had been discussed.

Earl *Fitzwilliam* said, he had for some time entertained the intention of calling their Lordships' attention more generally to the subject of railroads, and he should take that occasion to inquire whether Her Majesty's Government had it in contemplation to submit to Parliament any general measure on that subject. It was impossible to exaggerate the importance of Railroads to this country as a question of political economy, and if he saw reason to expect any encouragement from their Lordships, he should be very much disposed to make a Motion on the subject to this effect; that an Address should be presented to the Crown, praying that Her Majesty would issue a Commission to make inquiries respecting those parts of the country which it was desirable should be connected by Railroad; starting, in the first instance, with the metropolis, and then considering the communications between it and the great seats of our manufacturing and commercial industry, such as Birmingham, Manchester, and Liverpool, and Bristol; to examine as to the points which it would be desirable to connect by railroad, and then as to the lines by which these points ought to be connected; to lay down those lines, but to leave them, except, perhaps, in some very special cases, to the activity of individual speculation. He thought that such a Commission should also take into consideration the Railway Bills now before Parliament, and those which might be brought forward in the remaining part of the Session. He knew that a Committee of the other House was sitting on this subject, but he thought that its proceedings could hardly be otherwise than insufficient for the objects he had mentioned. He thought that the due consideration of those ends required a body somewhat more independent of railroad influence than any which could be appointed in the other House, and therefore he thought their Lordships would be the more proper persons to originate such a Commission. He would add, that he thought no Railways ought to be sanctioned by Parliament which were not recommended by the Commission.

The Duke of *Wellington* observed, that the noble Earl's proposition appeared to him to be like shutting the stable-door when the steed had been stolen. He believed his noble Friend, the Vice-President of the Board of Trade, would have been in attendance if he had known that the noble Earl intended to introduce the subject, and if he would name another day for bringing it forward, his noble Friend would, no doubt, give his assistance in the discussion, and all the information in his power to supply.

The Marquess of *Lansdowne* said, that ever since the introduction of railway communication, he had felt extremely anxious that some measure such as that now proposed by the noble Earl should be adopted. At the same time, they must remember that this question involved many very important interests, and that any interference with those interests could be regarded with great jealousy. He had thought the subject so important, that some years ago he had entreated their Lordships to assent to such an address with respect to Railways in Ireland, where railroads had not yet been introduced. A Commission was appointed, and made a most elaborate Report, to the preparation of which the late lamented Mr. Drummond had devoted his time, experience, and professional acquirements. The result had been, that as he was persuaded, the railroads now in progress in Ireland were being constructed on a much sounder principle, and with much more strict reference to the combination of good systems of communication than in this country, particularly that important Railroad which he was happy to hear was now in an advanced state of preparation (the subscription list having been filled up), from Dublin to Cashel. This was the main trunk line pointed out by the Commission, and which probably would never have been adopted, had it not been for the manner in which its advantages were pointed out and explained by the Commission. He could not but think that this example was a great encouragement to a similar proceeding being taken with respect to railways in England, even at this late period. The noble Duke had truly suggested that we were advanced much farther than was the case with Ireland; but, at the same time, considering the number of new railroads every day projected, and others which were known to be in preparation, he could not help thinking that some such measure as his noble Friend had suggested would be advisable.

Lord *Brougham* expressed his satisfaction that their Lordships' attention had been called to this subject. He concurred in the observations of his noble Friend (Earl Fitzwilliam); and, though the proposition of a measure of this nature had been so long deferred, he believed its adoption would be very advantageous. Every day new Railway projects were brought forward, and he conceived that a general system of operations, established by competent authority, was absolutely essential to the future prosperity of the country in this important respect. He hoped that if such a Commission as that suggested by the noble Earl was appointed they would not lose sight of one important point—that, while they paid due attention to the interests of the public, they would also take into consideration the interests, the convenience, and the comfort of individual landowners, and of the inhabitants of country houses in the vicinity of projected Railways. In many instances the houses of gentlemen, in which their forefathers had resided for many generations, had been totally ruined as residences by the immediate contiguity of railroads; while, if a different, and perhaps, a more convenient line had been taken, this injurious proximity would have been avoided. He believed that a noble relative of one of his noble Friends, Earl Grey, was on the point of being subjected to a proceeding of this nature for the benefit of the public—a railroad was projected through the finest part of his pleasure grounds, entirely depriving him of a beautiful and salubrious view of the sea which his mansion now commanded. Indeed, it was proposed to carry the railroad in such close proximity to the House, that he (Lord Brougham) believed it would no longer be habitable. They were told that the public convenience was the only thing to be attended to in these matters, and that the interests of individuals ought to be sacrificed for its promotion. It was very easy to say, "Sacrifice yourself," and he had himself suffered, and was now suffering, a little inconvenience from this source; but he would answer to the public, "Sacrifice yourselves," in the plural number, "to a certain extent. Take a somewhat less convenient line to save me from absolute destruction." He hoped that the Com-

missioners as well with respect to some measures now pending in Parliament as to others which might hereafter be brought forward, would not make such sacrifices a matter of absolute necessity where a line might be adopted with very little inconvenience which would exempt the landed proprietors from this annoyance. He was acquainted with a case which had occurred in the neighbourhood of this metropolis, where, in consequence of the establishment of a Railway in its immediate vicinity, a mansion which had been let at a rental of from 450*l.* to 500*l.* a year was now unoccupied, and no tenant could be obtained. In that instance, the Railway did not pass over the land of the proprietor of the house, and consequently he could not obtain a farthing of compensation. He was acquainted with many instances of a similar nature. He would not go so far as absolutely to stop all railway speculation on account of these occurrences, but he thought the recommendation of the Commissioners might go a long way to prevent the infliction of such hardships. The inquiries of the Irish Commission had produced most beneficial results; and he could fully confirm the testimony which had been borne by his noble Friend to the value services of the late Mr. Drummond in connection with that Commission.

Earl *Fitzwilliam* said, that after what had fallen from his noble Friends, he could feel no hesitation in bringing forward a Motion of the nature he had suggested. He would, therefore, on Tuesday next move an address to the Crown, praying Her Majesty to appoint a Commission to inquire into this subject.

SANATORY REGULATIONS.] The Marquess of *Normanby* said, he rose to present a Petition on a subject of considerable importance, to which he wished to call their Lordships' attention. The Petition was agreed upon at a public meeting of the working men of Edinburgh, and, though it was signed only by the Chairman, he was informed that it expressed the sentiments of 3,000 individuals; and it prayed their Lordships to establish more effective sanatory regulations with respect to the dwellings of the lower classes of the people. He believed that no Petition emanating from such a class of the people had ever before been presented to their Lordships on this subject. Their petitioners stated that they had themselves, to the utmost of their power, endeavoured to effect some improvement in their social condition; and they prayed their Lordships to pass a Bill for the better regulation of future buildings, to establish a more general and effectual control over the sewerage, to take steps for supplying them with a more abundant and constant supply of water, and also to repeal the duty on soap; though the latter request should, in strict propriety, have been addressed to the other House of Parliament. The petitioners stated that they had themselves established public baths in Edinburgh, and that his Royal Highness Prince Albert had given a munificent donation for the promotion of that object. The petitioners also stated that the inhabitants of certain districts, especially of the more ancient portions of the town, had been subject to periodical attacks of fever, and that this epidemy had latterly assumed a much more malignant and inveterate character, and had been much more extensive in its effects. The petitioners referred particularly to their sufferings from this cause during the last winter. At the commencement of the present Session of Parliament he (Lord Normanby) asked whether it was the intention of the Government to submit to their Lordships, or to the other House of Parliament, any sanatory regulations with reference to the dwellings of the lower orders, to the erection of buildings, or to the improvement of sewerage. He regretted that his hope of some interference on the part of her Majesty's Government had been disappointed; and he feared that the petitioners might look forward to the lapse of another year before any legislative measures for their relief were adopted. Their Lordships might recollect that it was now nearly four years since he had first brought under their consideration the necessity of some general measure upon this subject, and had received their Lordships sanction. Not only were some measures adopted for the remedy of the evils of which he complained during the last few weeks of the existence of the Melbourne Administration, but during the ensuing Session of Parliament a measure of a similar nature brought in by himself, was adopted, under the sanction of the noble Duke opposite. He again applied to their Lordships for the third time, and he did so on the notoriety of the evil proved before a Committee of the other House of Parliament. It was now two years since the Report of the Sanatory Commissioners was presented, and he was

obliged again to mention this subject, as another year was elapsing without anything being done. He could not blame his noble Friend opposite, because he was sure, from all he had heard since the present Commission was appointed, that his noble Friend had been indefatigable in attending to it; but ten months were lost between the receipt of the Report of the former Commission, in 1842, and the appointment of the present Commission without the Government having taken any efficient steps. What he wished to ask of his noble Friend was, what was the present state of this inquiry? He understood that up to the present moment all the labours of this Commission had been, to obtain further evidence of the notoriety and extent of that evil. Any further evidence was perfectly unnecessary. He did not doubt that under the able conduct of this Commission most excellent evidence might be collected; but it was not wanted, and he begged to call their Lordships' notice to the expense at which the evidence was obtained. Now, it was stated by those who had examined into the details of this subject, that of the population of the United Kingdom, 50,000 persons annually died of diseases that might be prevented by efficient sanatory regulations. Without entering into a statement of the other evils which this protracted delay inflicted upon the people, he would call attention to the point upon which the testimony was universal,—the great expense of the present state of things. The loss in medical attendance and in the most productive part of labour was also excessive. It might not be generally known to their Lordships, but he could state it upon authority of which he had no doubt, that the great misfortune of this evil was, that it attacked persons exactly at that period of life when their health was most valuable to themselves and the community, viz., between the ages and twenty and forty. The Statistical Society of Manchester had instituted inquiries upon this subject, and by the tables they had published it appeared that such was the injurious and pestilential effect upon health of crowding persons together in obscure dwellings and small rooms, without any precautions in regard to health, that in that town the value of a working man's life was only seventeen years; whereas in parts of Rutlandshire, while the wages were small and his condition in some respects worse, the value of his life was thirty-six years. Therefore the value of life in crowded towns was less than half what it was in country districts possessing no peculiar advantage of situation. But at the same time it was perfectly possible that human life might, by sufficient regulations in towns be better protected than in the country, on account of the noxious vapours arising in the latter in some seasons of the year from decaying vegetation. As to interference with labour, he might differ from some of his noble Friends upon that point; and might think that such interference having once commenced, there was a point to which they must go to make that interference complete, that is effectual for the objects, which alone justified its commencement; but when he looked to the importance both as to their social effect, and of the numbers they embraced, of any Regulations which that or the other House of Parliament might, by legislation, establish for the sanatory condition of the poor and taking better care of their dwellings, the former question sank into insignificance, and was not to be compared with it. The Act for the Emancipation of the Slaves had now been passed ten years, but within that time 500,000 persons—more than the number of all the slaves in the British dominions—had been lost in this country for want of due Sanatory Regulations. The Report of the Sanatory Commission had established that such Regulations might be enforced as would provide for a proper supply of water in every House, and for the removal of all refuse without cartage, and that all the conveniences of life might be promoted. But what he now wished particularly to know was, what was the state of this inquiry; and, looking to all the circumstances, he could not but regret that, whatever might be the future course of the Government upon this subject, so long as a period had been allowed to elapse without anything effective having been done.

The Duke of *Buccleuch* begged to recal to their Lordships the statement which he had made not long since of the history and progress of the Bills brought in by his noble Friend who had just spoken. Those Bills passed rapidly through their Lordships' House, but when they came to be tested in the other House and by practical men, it was found, that although their object was excellent, yet they would have entailed so great an expense as to amount almost to a confiscation of property, there being no means of procuring the large sums that were necessary to carry them into execution. His noble Friend had referred to the state of

the present Commission, and said that nothing had been done but to collect evidence. Whence his noble Friend had obtained his information, he knew not, but if he had applied to him he could have given him much better information, for he could state that they had received information of a most important and valuable description, not only showing the evils which existed, but also the causes of those evils and the means by which they might be removed. He could assure their Lordships that it had occasioned very great anxiety in the minds of the Members of the Commission to decide on the different systems which had been brought forward for remedying the evils complained of, and especially those of drainage, and a due supply of water. Under the laws now in force enormous sums had been expended for drainage, but he was sorry to say, with comparatively very little benefit; and it was a matter of great consideration what new enactment should be proposed to remedy the evil, so as at once to give the full benefit of the remedy and to distribute the expense so that it might be easily borne without being a heavy burthen upon the proprietor or the occupier of a dwelling. At the present moment the state of the Commission was this—they were in the act of preparing their First Report, and that Report, he hoped, would be shortly laid before their Lordships. He must say, that in reference to their investigations, they had found this one point—that in a very great degree many of those evils now so bitterly complained of were capable of being removed under the existing law, if properly put in force. There was much in the power of the owners of property, much in the power of the public authorities; and in many cases, where so much was said as to excessive crowding, it was not only the crowding of ill-constructed and inefficient dwellings, or the crowding of numerous persons in streets, but houses that were formerly occupied by the higher classes, but now deserted by them and the middle classes, in which there were rooms of a very considerable size, larger, perhaps, than was requisite for the occupation of single families, were now let out in portions of rooms. Some of the improvements now going on in the metropolis tended to aggravate that evil. He did not mean to enter into details which would in a very short time be before their Lordships; but there had been no unnecessary delay in presenting that Report. He believed that delay had been occasioned by the extensive investigation of the Commission: that it would be productive of great permanent advantage, and that whatever legislative measures were brought forward, they would be found to be practical and efficient measures, that could be carried out without injury to present interests, and to the benefit of the public. Although they involved the expenditure of large sums of money; that expenditure might be so arranged, that instead of coming in the shape of an immediate payment, it might be spread over a course of years, and their weight, therefore, not felt. As to the sanatory condition of Edinburgh, which had been alluded to by his noble Friend, he admitted that great evils existed, from the very inferior drainage and the bad supply of water; but he believed that town, like many others, had the misfortune to suffer from the contentions of rival companies as to the right of supplying the water.

Lord *Campbell*: As he had long had the honour of representing the City of Edinburgh, he begged to give his cordial support to this petition. Edinburgh was very deservedly called "modern Athens," both on account of the beauty of its situation and the intelligence of its inhabitants. But it was unfortunately very unhealthy, and this, he thought, was chiefly owing to the want of those sanatory regulations for the enforcement of which the petitioners prayed. He trusted that, not only for the sake of Edinburgh, but of the great towns generally, the views so earnestly and eloquently urged by his noble Friend would be speedily adopted.

Lord *Brougham*: I must really say a word as to what had fallen from my noble and learned Friend. He says he has represented Edinburgh for a long period. It is well for him he does so no longer, for he has just mentioned a subject the most delicate and painful to the Edinburgh mind that can well be conceived. It is looked on in Edinburgh as the next thing to an insult to make the least reference to the phrase "modern Athens"—so exceedingly vain and presumptuous do they consider the assertion, and so hurt are they by an assumed similarity, which there is nothing in the slightest degree to justify. [*Laughter.*] I remember using the phrase inadvertently in the presence of a learned Friend of mine in Edinburgh, upon which he remarked, "Never use that word: No-

body ventures on it here—'tis taken as next to a personal insult."

Lord *Campbell*: My Lords, I am really surprised that my noble and learned Friend should have found fault with the phrase "modern Athens." Why, Edinburgh produced my noble and learned Friend—himself at once an Alcibiades, a Pericles, and a Demosthenes.

The Marquess of *Normanby* admitted his Bill was defective, but it might have been made a good measure. What he wished to know was, did the Government this year mean to go beyond an enumeration of evils, and to proceed to the remedies for them?

The Duke of *Buccleuch*: The Report of the Commission, which would soon be presented, was their preliminary Report. There were a number of pending questions to be decided before they reported. He did not anticipate that there would be any great delay in finally legislating on the whole subject.

The Marquess of *Normanby*: Then am I to understand that no specific remedies will be suggested in the forthcoming Report?

The Duke of *Buccleuch*: None.

BAIL IN ERROR BILL.] Lord *Campbell* said that, in moving for a Committee of the whole House on this Bill, it was necessary that he should explain the principle of the measure, before he could call upon their Lordships to concur in its provisions. Under the peculiar circumstances of the case he must do so, for no explanation had been offered to their Lordships of the principle of the Bill on the second reading, it having been arranged that the debate should be taken at this subsequent stage. The object of his Bill then was to remove a defect to which the administration of the criminal law was now liable. Their Lordships were aware that there was a Writ of Error from all inferior jurisdictions to the Court of Queen's Bench, and that there was a Writ of Error from the Court of Queen's Bench to the House of Lords, for it was evident that without an opportunity of reviewing the decisions of the inferior courts, the law could not be kept in a state of proper uniformity, and justice could not satisfactorily be administered. Whatever difference of opinion there might be as to the exercise by their Lordships of their political, there was but one opinion as to the exercise of their judicial functions—that these functions had always been most satisfactorily exercised. But a great difficulty had been felt with respect to what was to be done in cases of misdemeanour in which a Writ of Error was sued out after sentence of imprisonment had been passed. With respect to civil cases, a parallel difficulty had been felt, but it had been surmounted; for now, by the defendant giving security to pay the sum adjudged to the plaintiff should the original decision be confirmed, the execution of the sentence was suspended. With regard to Courts of Equity, the Court had, in cases coming before it, powers in itself, when an Appeal was brought, to suspend the execution of the decree, and of this power the Court availed itself, if any inconvenience would arise from the execution of the decree, when the Appeal was pending. But with respect to Writs of Error in cases of misdemeanour, the most serious evils still remained unredressed. There could not be any Writ of Error brought, even upon interlocutory matter, until final judgment was pronounced, because the law said, that it might turn out that the party might not be aggrieved by the interlocutory decree pronounced against him. Until final judgment, therefore, a Writ of Error was not competent; but, then, in cases in which there was a final judgment and sentence of imprisonment was pronounced, that sentence must be immediately carried into effect. He understood, indeed, that in one Court of Quarter Sessions,—in, he believed, the county of York,—an experiment had been lately made—not, certainly, under the auspices of the noble Lord the President of the Council,—but he had heard that there a man was convicted in the Spring, on a charge of theft; this person was a most notorious poacher, and therefore the Justices, at the Quarter Sessions, ordered him to be imprisoned for a period of six months, but that the term of his incarceration was to commence on the 1st of September, so as, he supposed, to keep him out of harm's way in the shooting season. [The *Lord Chancellor*: It was to protect the man against his own acts.] Although, perhaps, it was a very ingenious scheme and the punishment awarded very salutary, it was evidently contrary to law, because, when a defendant was already in custody, the Court must pronounce sentence, and the execution of the sentence must begin immediately. It was true, that if another sentence of imprisonment was then in course

of infliction, the second could only take effect after the first had ceased; but with that exception, the law was, that the imprisonment must begin immediately after the sentence was pronounced. A criminal court could not suspend punishment. Although the Crown might undoubtedly pardon the convict and remit his punishment, it had no power to suspend punishment. It might pardon or remit; but it could not suspend the execution of a sentence, even pending a Writ of Error, and order that it was only if the Writ of Error should be decided against the plaintiff, that the sentence should be carried into effect. What was the consequence? Though, by the law of England, in case of misdemeanour, the party was entitled to his liberty till the law had finally determined that he should be punished; though in case of misdemeanour bail was matter of right, and the party was *de jure* entitled to be discharged, and even if the verdict were against him in certain cases, he was entitled to his liberty on giving security, because, peradventure he might be entitled to a new trial, was it not preposterous that pending a Writ of Error, the sentence should be carried into effect? The Court of Error might not be sitting. This House and the Court of Queen's Bench had authority in such cases, but it might happen for a Writ of Error to be sued out in the beginning of the long vacation, when the Court of Queen's Bench did not sit at all from June until November, nor their Lordships' House which according to modern practice rose in July, and did not meet again until February; so that there might be cases in which the sentence was one of six months imprisonment, and this term might have actually expired before the defendant had an opportunity of taking the opinion of the Court of Appeal upon his case, as to whether he was really guilty, and was consequently deserving of punishment. This was not an imaginary evil; there had been repeated instances of persons who had been sentenced to imprisonment—who had brought a Writ of Error, and who, during their imprisonment, had had decisions in the Court of Error in their favour. But what recompense could it be to those persons merely to know that they had suffered contrary to law? Such a course of procedure, he contended, was contrary to Magna Charta, which laid it down that no man could be deprived of his liberty but by the law of the land. He would remind the House of one instance in particular in which a subject was deprived of his liberty contrary to the law of the land. A few years ago an important case occurred in Ireland, in which a Mr. Richard Radford Roe, who was convicted of a certain charge, had brought a Writ of Error to this House, and their Lordships decided that Writ in his favour. That decision, however, was not come to until the individual had been confined in gaol for about twelve months. Was not such a case as that well calculated to bring a scandal upon the administration of justice in this country? What then was the remedy which he proposed by the Bill before their Lordships? It was simple—it was certain, and he apprehended that it was unobjectionable. It was, that when a Writ of Error was obtained—which their Lordships should be aware was not a matter of course, and which could only be obtained under a fiat of Her Majesty's Attorney General—which, again, was not given unless upon reasonable grounds—which had been repeatedly refused, and often most properly refused—he repeated, that the remedy he proposed was, that when the Attorney General had given a fiat for a Writ of Error, and only then—that upon ample security being given—security to the entire satisfaction of the Court, that the defendant would be forthcoming to receive that punishment that might be ultimately adjudged—that that punishment should not be inflicted until the Superior Court had determined whether the original sentence passed upon him was just. That was the principle of the Bill for which he now asked their Lordships' concurrence. The Court in all cases in which Writs of Error had been obtained, would look to the circumstances of the case, and prescribe what security should be required that the parties accused should be forthcoming to undergo the sentence. There could be no doubt that this Bill would have the effect of removing a very great evil. He confessed himself quite at a loss to anticipate any good or substantial objection that could be made to it. He had heard it alleged as an objection to this Measure that if passed into a law there would be great danger of an inconvenient multiplication of Writs of Error. It should, however, be recollected that a Writ of Error could not be brought, except where there was some arguable point of law upon the record. He could state from his own experience, having filled the office of Attorney General for a period of seven years, that that was

the only principle on which the Attorney General ought to give his fiat, or did give it. In the administration of justice there were ample powers given to the Attorney General. For instance, he might stop a prosecution by a *nolle prosequi*. The Court could not review his acts; of course he was liable to account for his conduct in Parliament. He might be impeached and punished, and for every act committed by him in his official capacity he was liable to be called on, and ought to be ready with explanations. But if he (the Attorney General) were to be asked for his fiat, when he saw that the real purpose of the application was merely to gain time, he would be bound to refuse it. He would take it on himself to say that in the performance of those duties which would thus devolve upon the Attorney General, there would not be the slightest danger of those Writs of Error being inconveniently multiplied by the passing of the present Bill. No inconvenience could be feared from the modification of the law which he proposed. He had heard it urged indeed, and it was the only other argument he had heard made use of against the Bill, that they had gone on very well with the present state of the law for centuries; that the country was satisfied with it, and that no complaint had been made on the subject. Why, this was a species of reasoning which might have been brought forward against any improvement ever carried into effect—that which they were accustomed to, was not generally considered very horrible. There was a time when torture was applied in this country, in order to wring confession from prisoners prosecuted by the Government; and it was recorded that a predecessor of his noble and learned Friend on the Woolsack, Lord Chancellor Wriothesley, who was no doubt a learned and distinguished Judge, that he had himself assisted in stretching the rack, in order to torture a poor wretch proceeded against by the Crown. Now, although it was quite possible that at the present day Lord Chancellors might have certain little peccadilloes imputed to them, they were of a widely different nature to those of Lord Wriothesley. But yet, it was not alleged, that he was a hard-hearted man, for torture in his days was thought a useful and necessary appliance; and Lord Wriothesley had felt himself, no doubt, called upon to use diligence in the application of it towards the sufferers. But what did they now think of such a practice, or of that which once equally prevailed, of never, in Crown prosecutions, confronting the witnesses with the prisoners, of deeming the written depositions of the witness as sufficient evidence for the Crown? And yet such practices, when they prevailed, were not thought objectionable or cruel. Again, there was a time when a process was quite common, and, indeed, it continued for centuries, of compelling the prisoner to plead, which was called the "*peine forte et dure*." The victim was laid upon his back, and heavy weights placed upon his breast, "heavier," in legal phraseology, "than he could bear," so that he was to be thus pressed to death unless he pleaded "guilty" or "not guilty." They now started back with astonishment and indignation from such a barbarous process, and yet he had no doubt but that it was once thought allowable, nay, laudable, and that if it was proposed to be abolished, grave and specious arguments would have been brought forward in its favour. Down to Queen Anne's reign the witnesses for the prisoner in no case could be examined on oath, because it was said that such witnesses were against the King, and, therefore, that no witnesses against the King ought to be sworn, lest the Jury should believe them. This practice continued for a considerable time even after the Revolution, without apparently exciting the horror of mankind. It was also a defect in the law up to a very recent time, that even a foreigner, who was perfectly ignorant of their language, or a person who was actually deaf and dumb, if put upon their trial for their lives, were not at liberty to employ counsel to defend them against the charges that might be brought forward, of which, of course, under the circumstances he had mentioned, they must be totally ignorant. To remedy such a shocking evil a Bill called the Prisoners' Counsel Bill was introduced into this House, which was opposed by his noble and learned Friend the present Lord Chancellor in one of the best speeches that could be urged in such a position. In fact, with the exception of one, all the Judges here were opposed to that Bill; notwithstanding which that Bill was passed into a law. It had been found to work most beneficially, and had removed what was justly considered to be a scandal from the Administration of Justice, and furthered considerably the investigations of truth, and all looked back with astonishment—nay, with disgust, that the old law could ever have existed. He had mentioned these defects in the law for the

purpose of showing that although there might not have been many complaints heard in this House against them, yet that they were nevertheless evils of a great magnitude, and the removal of them proved of the utmost benefit to the country. Upon the same principle they should not allow the grievance of which he was now complaining to exist any longer, merely because there had not been much clamour against it. All those whom he had consulted on this subject had approved highly of his Bill; indeed he had not heard a whisper of disapprobation expressed. He understood that his noble and learned Friend on the Woolsack had approved of such a Measure. Mr. Starkie, the Criminal Law Commissioner, who had performed much good service had told him that he highly approved of this Bill; in fact it had met with disapprobation in no quarter whatsoever. He could conceive no one condemning it, except some such Lord Chancellor as Rhadamanthus.

"Gnossius hæc Rhadamanthus habit durissima regna,
Castigatque, auditque dolos."——

He first inflicted the punishment and then heard the Writ of Error. He moved that the House should resolve itself into Committee upon this Bill.

The *Lord Chancellor*: It is not my intention, my Lords, to follow my noble and learned Friend through all the various topics into which he has gone. I shall make no observation on the practice of Judge Rhadamanthus, and I shall trouble you with no lengthened speech, which might press as severely upon your Lordships as did the *peine forte et dure* of other days, of which we have heard so much. If I had not known my noble and learned Friend's powers of energy and perseverance I should have been surprised at the earnestness which he has manifested in pressing this question upon your Lordships' attention. So impatient, indeed, and so earnest has he been in this matter, that when I asked him a few days ago as a matter of personal favour and indulgence, to allow me the space of three or four days to consult others in respect to it, he gave me a direct and peremptory refusal. My noble and learned Friend has told your Lordships that for seven years he held the office of Attorney General. I know that for a long period previous to that time, he was engaged in many criminal prosecutions, and in many cases, for the defence of criminals. He has sat now for three years in your Lordships' House, and he has been anxious on all occasions to bring before your Lordships any subject on which he felt an interest, partly for the purpose of occupying himself, partly for the purpose of contributing to the information and instruction of your Lordships; and yet, most singular it is, that during the whole of the period to which I have referred, it never occurred to the mind of my noble and learned Friend to suggest the propriety of adopting a Measure of the kind now before your Lordships and it was not until the eve of the Easter term that is now in progress, when a certain case was in dependence in another part of the United Kingdom—a case of deep interest and importance, it was not I say until the eve of the Easter Term in which it was supposed that that case would come to a termination, and that judgment would be pronounced—it was not, I repeat, until then, that for the first time my noble and learned Friend thought it right to bring forward this measure—never having before adverted to it, and as I say, directly for the purpose of applying it to that case. [*Cheers.*] I know, my Lords, although I was not present in the House when my noble and learned Friend introduced this Bill, that he protested that it had no reference to the present pending trial, I have seen so much of my noble and learned Friend, that I can paint to myself the gravity of his countenance and his uplifted hands as he made that protestation. [*Laughter*] I am bound, if my noble and learned Friend says the Bill was not brought in for that purpose, to suppose and assume that such is the impression on his mind; but I cannot avoid coming to this conclusion, that like other enthusiasts, his knowledge of facts and his own motives have been darkened and concealed by the extravagance of his zeal and enthusiasm; for I am persuaded, that looking to the facts to which I have called your Lordships' attention, there is not one single person in this House, or in this country, who, connecting these facts with the observations which from time to time have fallen from my noble and learned Friend in reference to the proceedings of that trial will come to any other conclusion than that this Bill is intended to apply to the pending proceedings in Ireland. But, my Lords, my noble and learned Friend will say, "It is impossible that I can have had any such views, and you are not asked to rely on my protestations and declarations alone; for I

have introduced a Clause into the Bill, directing that it shall not come into operation or effect until the 1st of August. It is therefore impossible that it should apply to the particular state of things in Ireland." Was there ever so thin and flimsy a veil? It is impossible, if this Bill should pass into a law, for your Lordships to retain that Clause in the Bill. Is there any man of common sense or common justice, who would say that such a Clause ought to be retained in the event of the Bill becoming law? For what would be the effect of it? This; that you would be passing what you conceive to be a proper law, with criminals placed in the situation of the parties to whom I have alluded, and at the same time pass another law, or Clause of a law pointed at these very individuals for the purpose of preventing them from benefiting by the Bill. It is impossible for my noble and learned Friend to suppose that we can be led astray by so flimsy a pretence. I solemnly declare, that if this Bill should pass, I will be the first to move the omission of the Clause, to which my noble and learned Friend refers, and which he wishes you to regard as a guarantee that the Bill is not directed against the actual state of things in Ireland. But, further, look at the Clause itself, and the history of the proceedings now going on in that country. My noble and learned Friend, did not say that this Bill should not come into operation till the 1st of October. No; he takes a most singular date, the 1st of August. In what state are the proceedings at present in Ireland? A new trial has been moved for; the proceedings are still pending; what is the next step?—a motion in arrest of judgment. The argument can only be continued in term time. What will follow next? The argument will go on to the next term, be protracted through it, and judgment may not be passed until June. But is it incumbent upon parties to bring their Writ of Error immediately? No. It may be brought upon the 2nd of August. Then, it will not be heard this Session. It will lie over until the next. How, then, can my noble and learned Friend say, that the Clause in question will prevent the Bill from operating upon the present state of things in Ireland? This alone I take to be a sufficient objection to my noble Friend's Bill—that it is a Bill brought in for a temporary purpose, and directed towards a particular object; and that object alone, under whatever disguises it may be veiled, ought to prevent your Lordships from supporting such a Measure. But, after all, what is this Bill? What a miserable little specimen of legislation it is when we come to consider it. In the first place it is a law for the rich and not for the poor. [*Oh, oh, from the Opposition.*] Yes, I say, a poor man, having lost his character, and having no pecuniary means cannot obtain the requisite bail: he is condemned to imprisonment, and must abide in prison the fate of his Writ of Error. But the wealthy man has his own resources; he obtains bail by means of them, or through his friends, and he is liberated. Such is the impartial operation of the Bill! Does it not recall forcibly the saying of the sage, that laws are like cobwebs, the small flies are caught, but the big flies break through and escape? But my noble and learned Friend says, that the granting of a fiat for a Writ of Error is not a mere matter of course. I will tell you the rule. A Writ of Error as to a misdemeanor is a matter of right, *ex debito justitiæ*—in felony a matter of grace, *ex gratia*; and I can assure your Lordships, from all that I have known and seen, that it is almost a matter of course—I do not say absolutely of necessity, but almost of necessity, to grant a fiat for a Warrant of Error in cases of misdemeanor. Not so, however, in cases of felony. Now mark how this Bill will operate. I will give you an example. A man is convicted for misdemeanor—for grave misdemeanor, subjecting him to one or two years of imprisonment. He is a man of substance and wealth—he is, perhaps, advanced in life—imprisonment for one or two years may have a serious effect upon him—he obtains a Writ of Error—he finds bail—he has easily the means of finding it—he crosses the water—he is out of the jurisdiction of the court which has pronounced judgment If that judgment be reversed, he returns; if it be affirmed, he remains where he is, living in a continental town, utterly disregarding the court and its sentence. Such may be one effect of this Bill. But suppose the individual to be a political partisan who has committed some great crime—some great political offence — one who, however, has many friends, many supporters;—what will he do? Why, he may say—"I will await the chances of events; a few votes, more or less, in the House of Commons, may bring in one party or another; my influence may then be of importance. I shall abide here that event. My party once in power will release me,

pardon me, and then I can return." My Lords, that will be a direct effect, an almost necessary consequence arising from this Bill. And then, my Lords, suppose another case: a man has committed an infamous crime, which expells him from society. He cannot remain in England: as a matter of choice he would go abroad. Well, he is tried—found guilty—he brings a Writ of Error, and is out on bail. He also goes abroad. It is a matter of choice for him. Of what consequence is it to him whether the judgment is confirmed or reversed? He escapes its effects, and whether judgment is confirmed or reversed, sets the law at defiance. Such are the consequences of the Measure. But observe the effect of the limited and qualified manner in which my noble and learned Friend has framed his Bill. Misdemeanors are of various characters, and punishable in different degrees. There are misdemeanors for which the parties are liable to transportation; if a man be found guilty of perjury, he is guilty only of a misdemeanor; but he may be transported. Obtaining goods under false pretences is also a misdemeanor for which a man may be transported. Now, if the party convicted possess pecuniary means, what, under this Measure, would be the consequence? That he will give bail. Of course he is out upon bail, nobody can impede or interrupt him. He goes to the continent; he lives at Paris—a residence he will naturally prefer to a sojourn in the plains of Van Diemen's Land, or amid the rocks of Norfolk Island. These, my Lords, are some of the consequences which would naturally arise from such a general Measure, as that now proposed to be introduced without qualification, guard, or restriction—precautions so necessary in the alteration of our criminal law. I do not mean to say that something of the sort cannot be introduced—that the existing law cannot be mitigated, and rendered more consistent with the principles of justice; but certainly not by a Measure from which would result the consequences which I have stated. But again, why this narrow Measure? Why is the Measure to be confined to misdemeanors? The same rules apply to felony, and there are a great many felonies, the moral guilt of which, and the evil which they inflict upon society, are much less serious than the guilt inherent in, and the evils produced by, some of the misdemeanors to which I have referred. Why is the Bill, I ask, to be so narrow and scanty in its application? A man cuts down a tree, he is guilty of a felony, and liable to transportation; a man striking a deer-keeper in a park, is in like manner guilty of a felony, and liable to be transported. But my noble and learned Friend's Bill does not embrace any of those descriptions of cases. Why do I mention this, to show that this Bill of my noble and learned Friend has been struck out, as it were, in a heat, and without due consideration, to serve a particular object; and this impression is confirmed by the earnestness and eagerness with which my noble and learned Friend has pressed it upon your Lordships' attention, refusing to allow to himself and to your Lordships a moment's spare time for reflection. Now I agree with my noble and learned Friend, and am as anxious as he can possibly be, to see amendments introduced into our criminal law. I admit the inconsistency of many parts of that law. I acknowledge that it requires extensive amendments, and in no part more imperatively than in that which relates to appeals. Now Writs of Error may be brought in certain cases; generally, however, they are brought upon mere points of form or law, without touching the merits of the case. And this is a point worthy to be considered with the view to amendment, that as to the merits of the case there is no appeal whatever. The learned Judge sees that an objection in point of law is applicable to a case on trial at the assizes. What does he do? He reserves that point for the consideration of the twelve Judges. The prisoner cannot compel him to do it—it is perfectly optional, and the sentence may be carried into effect, notwithstanding the objection raised. How is that objection considered? Not in open court, but privately, in a deliberation among the Judges, the grounds of whose decision are never known; that certainly is a great evil. I believe there is no civilised country in Europe without a court of appeal in criminal cases. Why do I mention these things. Because they are connected with the subject of my noble and learned Friend's Bill, and in a Measure of this kind ought to be considered. My right hon. Friend, at the head of the Home Department in consequence of representations made to him some months ago, thought it necessary to institute inquiries into this subject, the results of which have been laid before the Attorney General, in order that he may frame a comprehensive Measure, which will embrace the very points to which the Bill of

my noble and learned Friend relates, and therefore renders that Bill unnecessary. But I will not put the case on that ground. I say that my noble and learned Friend's Bill was brought in to answer a particular object; that it is vicious in that respect, and on that ground I will oppose it. The Motion which I have to make, therefore, is, that the Bill be committed this day six months.

Lord *Brougham* said, that though approving of the general principles of the Measure, he had when he first heard of this Bill, stated that it was most exceptionable to introduce a Measure so important pending the State prosecution in the Sister Kingdom. It was legislating on great and important subjects in reference to one particular case, which was most objectionable. And with regard to the Clause which enacted that the Bill should not come into operation until August, it would be very hard upon those persons who might be suffering under the defects of the criminal law in respect to this subject of appeal, if, admitting those defects, the Legislature should say we will pass a law for the future, but we will exclude you from the benefit. Nothing could be more absurd than the law as it at present stood, under which a man, who might upon the Writ of Error be pronounced improperly convicted, would be compelled to undergo his sentence pending the decision. He did not concur in all the objections of his noble and learned Friend on the Woolsack, especially in regard to the admission of persons to bail, until the appeal was decided. Those objections applied not only to the practice which would be established under his noble and learned Friend's Bill, but to the practice, under the existing law, of admitting parties to bail previous to trial. A person charged with an offence might, as the law now stood, go to France, if out on bail, to avoid the consequence of that offence, just as well as he could do if this Bill passed. It was not, therefore, upon the ground of the merits of the Bill that he objected to proceeding with it, so much as upon its introduction at this particular juncture; and because he thought that the more judicious course of legislation would be to frame some general measure, without allowing the pressure of any particular case, or any particular emergency, to bias them. He was glad, therefore, to hear from his noble and learned Friend on the Woolsack that the subject had occupied the attention of the right hon. Baronet at the head of the Home Department, and he had no doubt that under the auspices of that right hon. Gentleman, with the assistance of his hon. and learned Friend the Attorney General, an improvement in the criminal law in this respect would take place. As to the power given to the Attorney General to say whether the Writ of Error should lie or not, that was another blot on our jurisprudence. The party ought to claim the issuing of the fiat as a matter of right. "They did these things much better in France." Their system, in this respect, was admirable, and worthy of imitation. There the party convicted had the right of appeal, and the Court of Cassation, from its constant sitting, afforded constant opportunity of reviewing all the sentences passed. Both in regard to the merits and law that Court was, in all respects, a Court of Error, and its results were in every respect so satisfactory and so universally acknowledged that it was one of those few institutions, which owing their birth to the Revolution, had survived not only the Reign of Terror, but the tyranny of the Empire, and the maladministration of the Restoration. It would be a great improvement in the law if the Government Measure would go a step further, and give a power of appeal upon the question of fact, as well as upon questions of law and of form.

Lord *Cottenham* remarked, that the observations of his noble and learned Friend on the Woolsack referred to two distinct things — the one to the Bill generally, and the objections he had urged against it; and the other to that particular part of the Measure which provided that the party might remain out on bail pending the decision of the Writ of Error. That part of his noble and learned Friend's remarks had been already answered by his other noble and learned Friend who had just spoken. The Law, as it now stood, allowed bail to be taken in the same way as it was proposed to be taken under this Bill; and he trusted his noble and learned Friend did not propose to abrogate all the existing Laws which allowed bail to be taken in cases of misdemeanour, for to that extent would his noble and learned Friend's objections go. That point, however, after what had been said by his noble and learned Friend (Lord Brougham) he did not think it necessary to discuss, but to the other part of his noble and learned Friend's speech he intended to offer some observations. His noble and learned

Friend had, however, almost saved him the necessity of doing so by the statement with which he had concluded—for having condemned both the principle and the provisions of his noble and learned Friend's Bill, in no very mild terms, to his (Lord Cottenham's) astonishment, but at the same time to his satisfaction, he had announced that a similar Measure was now under the consideration of the Government. How the contemplation of such a Measure on the part of the Government naturally grew out of the objections he had urged against this Bill, his noble and learned Friend had not condescended to explain, and he (Lord Cottenham) could not understand. The principle of the Bill then was not so objectionable after all, but was admitted to be a correct one; and it was admitted at the same time that the Law, as it existed required amendment. Nobody, who had given any attention to the subject, could doubt for a moment that the present state of the Law was absurd and anomalous. In practice there was now no Court of Error in criminal cases, because the party had not the opportunity of taking advantage of the right without the permission of the Attorney-General, and the discretion of that officer would be regulated by the view he took of his public duty; and in regard to political offences at all events, their view of the Law itself, and the propriety of carrying it into effect, would have been already decided upon by the law officers of the Crown, because they had to advise the Crown whether the parties should be prosecuted or not. Nothing could be more absurd or anomalous than to require the consent to the Writ of Error of that very Law Officer who had advised the prosecution. In this respect he thought the provisions of the Bill required amendment. But it was on account of the defective state of the Law, which left a man to suffer his punishment before it was decided whether the Writ of Error lodged against his conviction was valid or not, that this Bill was brought forward, and the alteration proposed was to allow bail to be taken for the appearance of the party after judgment, as it now was taken before judgment, pending the decision of the Writ of Error. There was no more danger of the party going away and escaping in the one case, than there was in the other. The only difference would be that pending the question of the legality of the sentence it would not be carried into effect.

The *Lord Chancellor* said, he had stated that the question generally was under the consideration of the Attorney general and the Law Officers, but that question was of a more extensive nature than his noble and learned Friend seemed to suppose—embracing as it did the whole subject of appeals in criminal cases, of which this Bill referred only to a part. He had no doubt that those learned persons would turn their attention to the justice of the case, and give such relief as might be required. With regard to the admission to bail, the case was widely different before and after the verdict. Unless a party admitted to bail appeared, he could not have his trial, and previous to trial there was a chance of a verdict in his favour—and until he had been tried and judgment was pronounced against him, he would scarcely expatriate himself from his country, but after judgment and pending the decision of a Writ of Error he would be very likely to do so.

The Earl of *Wicklow* said he had come down to the House to do that which had already been suggested, namely, to remove, supposing the Bill were to pass, the Clause affecting the case of the persons now on their trial in Ireland, because, if the present state of the Law were an evil which ought not to continue, it was an evil which particular individuals should not suffer from. The question now was whether the Bill should go into Committee. He had been prepossessed in favour of the Bill, but after what had fallen from the noble and learned Lord on the Woolsack, he was satisfied it ought not now to pass, for the House had been informed that the Attorney-General had in contemplation an Act of Parliament in reference to the subject on a comprehensive scale. [*No, no.*] At least the subject was under consideration, and he thought it impossible that the subject should be under consideration without the intention existing of submitting it to Parliament. He did not expect that any Measure could be introduced in the course of the present Parliament, because the question was one of great delicacy and complication. He was satisfied, however, to learn that it was under the consideration of the Government. Under these circumstances, if he were to vote for the Bill, he should consider that he was giving relief to particular

individuals only, and he had as much objection to such a proceeding as he had to the exclusion of the case of particular individuals from a general Measure. He should vote for the Amendment of the noble and learned Lord on the Woolsack.

The Marquess of *Clanricarde* said if the objections urged against this Bill had been purely of a legal character, I should not have ventured a word in reference to them, but as the opposition had been placed upon entirely different grounds I wish to make a few observations. I never heard a strong or violent speech from the noble and learned Lord (the Lord Chancellor), and I have heard many, with more pain than I felt when I listened to the one he has made to-night in answer to the statement of my noble and learned Friend (Lord Campbell). The opposition of the noble and learned Lord comes to nothing more nor less than this—and your Lordships will do well to consider whether it is a wise proposition to go forth to the people of Ireland; it comes to nothing more nor less than this—"I will oppose the Bill, because possibly, if it should pass, I may be in that position that I may not be able wrongly to imprison the Gentlemen who are now on their trial in Dublin" ["No, no," from the *Lord Chancellor*.] I say wrongly and illegally to imprison, because if your Lordships were to exclude that Clause, which it is said you must in justice omit, the consequence will be that those parties may not be imprisoned until the Writ of Error, which it is understood will be brought, shall have been heard and decided in this House; and if that decision should be in their favour, they would then not be imprisoned at all; while, on the other hand, if it should be in favour of the Crown, the same penalty, the same imprisonment, the same punishment, in every respect would be inflicted upon them as they would have to undergo if no Writ of Error was brought. Therefore, my Lords, I say the opposition of the noble and learned Lord to this Bill is mainly and entirely founded (for he held that that was a sufficient objection) on the chance of not being able, should it pass into a law, wrongly to imprison the persons now on their trial. I leave it to your Lordships to judge whether that is a good spirit in which to view Acts of Parliament that may have operated in Ireland. As to the legal part of the question, that has been already disposed of, for it has not been denied that the Bill would have the effect of improving the law; and if a gross injustice is to be removed—if an improvement in the law is necessary—is it fitting that because it may affect some particular individual, we should refuse the remedy?—for that is the position taken by the noble and learned Lord, that because this Bill would affect certain parties, and prevent their being wrongly imprisoned, it ought not to pass. [The *Lord Chancellor*: "I did not say so."] I listened without interruption to two speeches of the noble and learned Lord, and I hope the noble and learned Lord will hear me. He will have an opportunity of explaining afterwards. I am stating what will be the effect of this Bill, and the effect which the noble and learned Lord's observations may have out of this House. And I defy them to show that if this Bill pass, with reference to the parties now on their trial in Ireland, it can affect them in any other way than this—viz. that if the Writ of Error should be brought, and should fail, the sentence, whatever it may be, will be afterwards carried out; while, if it should not, and the sentence, supposing it to be one of imprisonment, should be carried into effect, pending the Writ of Error, and the decision should be in favour of the traversers, then they will have suffered unjustly. The only effect of the opposition, then, is to punish these persons unjustly. If it have any effect at all, it must be that. But then, the noble Lord says, the object of this measure is too confined, it refers only to one part of a large subject. But if my noble and learned Friend (Lord Campbell) had come down and proposed a larger Measure, we should have been told by the noble and learned Lord on the Woolsack, "the object of the Bill is so extensive, that it will require more consideration than we can now give to it." The noble and learned Lord informs us, that this subject is under the consideration of the Home Office and the Law Officers of the Crown; and that the Attorney General's attention is turned to it, with the view of preparing some amendment of this law. Now, I want to know when those learned personages began to consider the subject? The present Attorney General has not long filled that office. Did the noble and learned Lord, refer to the present Attorney General, or to his predecessor? [The *Lord Chancellor*:

I can tell you if you want to know.] The noble and learned Lord can tell us, no doubt; but if insinuations are to be thrown out that particular acts and circumstances have led to particular steps being taken in reference to this Bill, I think those insinuations will attach more properly to the other side of the House than to this. Particular circumstances! Why, I should like to know what reform was ever carried out, except under particular circumstances? I, for one, my Lords, must protest against the doctrine laid down by the Lord Chancellor of England, that we are not to amend the law of Ireland, because by so doing we may by possibility prevent the present defective law affecting certain individuals who are now on their trial in that country.

The *Lord Chancellor* would repeat what he actually had said with respect to this Bill. He had stated to their Lordships certain facts, from which he inferred that it had been brought in to serve a particular purpose, and to affect a particular proceeding; and he had said, that that was an objectionable course of Legislation, and that that alone formed a sufficient ground for the rejection of the Bill. That was the proposition he had put forth, and almost in those very terms. The noble Marquess had asked when the subject was first taken into consideration by the Law Officers of the Crown; to which he begged to reply that this occurred so far back as November last; and, although it was true that the Attorney-General had only been in that office a few days, he had been previously in office as Solicitor-General, and, in that capacity, he had had the matter under his consideration.

Lord *Campbell*, in reply, would deny that he had unduly hurried forward the Measure. It had been brought in before Easter, and he had expected that his noble and learned Friend would have had ample opportunity when in the country to make himself acquainted with its contents, and under this impression he (Lord Campbell) had resisted the application to postpone the second reading some days ago. He regretted the course which his noble and learned Friend had thought it his duty to take upon the present occasion, and the more so because his noble and learned Friend admitted that the state of the law on this subject was most defective, and that a remedy was necessary. Why, then, should not a remedy be applied? He did not pretend that the remedy proposed by this Bill was the best that could be applied, but still it was of a remedial nature. The only ground that seemed to be urged against it was, that it might be taken advantage of by certain individuals now under conviction in Ireland. His noble and learned Friend was somewhat inconsistent in his objection to the Bill; he had found fault with it for not going far enough, and at the same time for going too far: and had asked, why it had not been made to extend to cases of felony? In regard to cases of felony, they were of a totally distinct class from the cases contemplated in this Bill. Bail was not admitted, except under peculiar circumstances, in cases of felony, and the man must remain in prison to await the decision upon his case. Another noble and learned Lord had suggested the extreme case of a man being hanged, and afterwards being acquitted upon a Writ of Error. But, with submission, such a case could never occur in practice, for the Secretary of State for the Home Department, when any point arose upon which to appeal against a capital conviction, always suspended execution till that point was decided. His noble and learned Friend on the Woolsack asked him (Lord Campbell) to suspend further proceedings upon this matter, as the subject was already under the consideration of the Government. But the subject of which Mr. Kelly, who was not yet a Law Officer of the Crown, has given notice, was totally distinct from that of the present Bill. Mr. Kelly's proposal was to establish a new tribunal, similar to that of the Court of Cassation in France, for the purpose of hearing criminal cases in appeal; but this Bill provided for what should be done in the interval between a conviction and an appeal by Writ of Error. His noble and learned Friend on the Woolsack, in opposing this Bill, made pointed reference to the case of certain persons under conviction in Ireland whom it might affect. Now he (Lord Campbell) thought that his noble and learned Friend, having admitted that the state of the law was defective, would have acted with more dignity if he had rather made a point of coming forward to assist him (Lord Campbell) in passing this Bill, in order to give those parties the benefit of it. The real fact, however, was, that he had no intention of making this Bill retrospective in its operations, and to obviate this, he had no objection to alter the date from the 1st of August, to the 1st of January, 1845, by

which time he thought the Solicitor General for Ireland would have concluded his reply. By this means the parties in the above case would obtain no grace or favour. As he recollected, however, an understanding had been come to with his noble and learned Friend that the case of Mr. O'Connell should not he entered upon in the course of this discussion; and he wished that his noble and learned Friend had adhered to this understanding. He would not now offer an opinion upon that case, as to whether the parties had had a fair trial or not; but he must say, that he was sorry that his noble and learned Friend should have opposed the present Bill upon such pitiful and paltry considerations.

The question for going into Committee put, and negatived without a division.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 2, 1844.

MINUTES.] BILLS. *Public.*—1°. Savings Banks Amendment.

2°. Exchequer Bills (18,407,300*l.*).

Private. — *Reported.* — Padstow Harbour (re-committed); Blackburn and Preston Railway.

3°. and passed:—Bow Brickhill Estate; Newbury, Basingstoke, London, and Southampton Railway; Lascaridi's Naturalization; Spartali's Naturalization.

PETITIONS PRESENTED. By Mr. S. Crawford, from Crediton, and Mr. T. Duncombe, from Hamilton, and South Shields, for Universal Suffrage.—By Mr. Hindley, from Kettering, for Abolition of Established Church (Ireland).—By Mr. Blackburne, from Latchford, and from Donegal, against Dissenters' Chapels Bill. — By several hon. Members (6 Petitions), for Alteration of Ecclesiastical Courts Bill.—By Sir E. Hayes, and other hon. Members (25 Petitions), for Legalizing Presbyterian Marriages (Ireland).—By several hon. Members (4 Petitions), against Union of Sees of St. Asaph and Bangor. — By Colonel Pennant (7 Petitions), from Wales, and by Colonel Wyndham, from Chichester, against Union of Sees of St. Asaph and Bangor. — By Mr. E. Ellice, from Cupar, for Abolition of Tests in Scotch Universities. — By Mr. S. Crawford, from Bridgewater, for Pacific Policy in India. — By Mr. Hogg, from Calcutta, for Steam Communication with India.—By Mr. Bell, from Hexham, and Sir J. Y. Buller, from Plympton, St. Mary, against Repeal of Corn Laws. — By Mr. Hastie, from Paisley, for the same.—By Mr. Blackburne, from Warrington, for Relieving Medical Practitioners from Horse Duty.—By Mr. S. Wortley, from Dewsbury, against Exempting Railways from Rates.—By Lord Ashley (9 Petitions), for further Limiting Hours of Labour (Factories Bill); and by Mr. Bright, from Dewsbury, against the same.—By Mr. Aldam, from Yorkshire (4), for Alteration of Factories Bill.—By Mr. T. Duncombe, from London (4), against Masters and Servants Bill. — By Mr. Charles Buller, from Messrs. F. Daniell and Lawrence, for Reform of Medical Profession. — By Mr. T. Duncombe, from Messrs. Mason and Bidet, for Inquiry (Police Magistrates).—By the same, from Hamilton, for Remission of Sentence on Political Offenders.—By Sir J. Y. Buller, from Totness, for Alteration of Poor Law Amendment Bill.—By Mr. Compton, and Mr. Packe, from Fareham, and Hinckley, for Rating Poor Houses. — By Captain Hatton, from Wexford (3), against Alteration of Poor Relief (Ireland) Act. — By Lord James Stuart, from Irvine, against Prisons (Scotland) Bill; and from Ayr, in favour of Schoolmasters (Scotland).—By Mr. S. Crawford, from Leicester, for Withholding the Supplies.—By Lord Howard, from Shaftesbury, in favour of Small Debts Bill.

ART UNIONS.] Mr. *Wyse* asked the right hon. Baronet at the head of the Government, whether there would be any objection to lay on the Table of the House the opinion which had been given by the Law Officers of the Crown, as to the illegality of Art Unions?

Sir *R. Peel* said, as far as he was personally concerned, he could have no objection whatever to the production of those opinions. But as a general rule, the House, he believed, entertained an objection, and a very reasonable one, to laying the opinions of the Law Officers of the Crown upon the Table. The House was enabled to form its own opinion on such matters generally, and he thought, upon the whole, the course it usually adopted was a good one. With regard to instituting proceedings against the Art Unions for infringing the law, that was a subject that did not rest exclusively with the Government—it was open to other parties, the common informer, for instance, to take advantage of any infringement of the Act of Parliament, and to institute prosecutions. The only motive which had led the Government to interfere with these Associations was, that having received an opinion from the Law Officers that they were illegal, they thought it right to give the earliest information to the parties concerned.

Mr. *Wyse* expressed a hope that the Government would give their support to any measure for legalising Art Unions.

CHURCH-RATE SEIZURES (WARWICK).] Sir *C. Douglas* wished to put a question to the hon. Member for Finsbury, relative to a Petition which he had presented, and which had been printed and circulated, reflecting upon the conduct of certain Magistrates of the Borough of Warwick, and charging them with inefficiency and injustice in the performance of their official duties, relative to certain proceedings instituted before them for the recovery of Church-rates. The hon. Member had postponed his notice of motion, founded upon that Petition, from time to time, and on a recent evening had declined to bring it forward on the ground that the lateness of the hour would not allow of his entering into the points in connection

with the subject. He understood by that, that the hon. Gentleman intended to introduce the whole question of Church-rates; and this, while the charges which he believed to be perfectly without grounds were hanging over the heads of those Magistrates; and as it was only fair that they should have an opportunity of defending themselves, he was anxious to know on what day the hon. Member's Motion would certainly be brought on?

Mr. *T. Duncombe* said, the Petition he had presented was respectfully worded, and impugned the conduct of two Magistrates in relation to certain proceedings for the recovery of Church-rates. He had postponed his Motion on the evening to which the hon. Gentleman had alluded, not because he desired to introduce the whole question of Church-rates, but because the lateness of the hour would not have allowed him to enter into matters connected with the Petition itself. The Motion now stood for Tuesday week, when, if possible, he intended to bring it forward, or if not, he would then name a day on which the friends of those Magistrates would have an opportunity of defending their conduct. He believed, however, that it would be found they had overstretched and abused their official functions.

REDUCTION OF DUTIES.] Mr. *Gisborne* wished to know from the right hon. Gentleman opposite when it was likely the proposed reduction of the duty on foreign coffee, from 8*d.* to 6*d.*, would come into operation.

Mr. *Gladstone* said, that with respect to all the duties which it was proposed to reduce, they would come into operation on the same day, that was the day of the passing of the Act embodying the Resolutions which had been proposed to the House by his right hon. Friend the Chancellor of the Exchequer. Those Resolutions he was prepared to lay on the Table of the House this evening, and he hoped no material delay would take place before they were carried into effect. He would take that opportunity of saying that they would not contain the article of vinegar, because there were some inquiries requisite respecting the use of malt in the making of vinegar. Some time would be occupied in the necessary investigation on that point, and hence it was that vinegar would not be included in the Resolutions.

Viscount *Sandon* would like to know whether the alteration of the duties would be passed in ten days or a fortnight.

Mr. *Gladstone* said, it would be rather hazardous to predict how long the Resolutions would take to pass through the House. However, from the disposition which he was sure existed in the House not to retard any measure affecting commercial interests, he was of opinion that in the course of a fortnight, or the furthest three weeks, the Resolutions purporting to repeal the Duties in question would have become the law of the land.

COMMUNICATION WITH IRELAND.] Mr. *Pennant* asked the First Lord of the Treasury whether Government had come to a final decision as to the relative merits of Port Dynlaen and Holyhead Harbours as media of communication between the Metropolis and Ireland; also whether Government had determined to allot any public money for the improvement of the latter harbour; and, lastly, whether means had been found for carrying the Chester and Holyhead Railroad over Menai Straits without impeding the navigation.

Sir *R. Peel* said that the subject of the hon. Gentleman's questions was of considerable importance, inasmuch as it related to the speedy communication between this country and Ireland. With respect to the relative merits of the ports of Holyhead and Port Dynlaen for the departure and arrival of the packets, the question had been discussed by professional men of the highest eminence, who had concurrently given their opinions in favour of Holyhead, and the opinion of the President of the Institute of Civil Engineers, Mr. Walker, had been taken upon it, and the preponderance of that Gentleman's opinion was in the same direction. Therefore he (Sir R. Peel) might say that Her Majesty's Government, drawing their conclusions from the highest professional authorities, were clearly of opinion that Holyhead was the preferable harbour, and as far as his opinion went, he should draw the same conclusion. With respect to the question as to whether the Government had decided to lay out a sum of money in improving either of those harbours, he had to say, in reply, that they had come to no decision upon the matter. The Government wanted first to know whether any Railway Company was inclined to make a railway communication between Chester and Holy-

head, which would best suit the interest of Ireland. What the Government wanted was a Company which would make a line calculated for the most rapid communication with Ireland, without reference to local interest, therefore they must suspend their decision as to the harbour until they knew what line was going to be made. It should be remembered that whatever money they laid out for Holyhead harbour they were laying out for the terminus of a railway. They had a right, therefore, to demand that the railway should be perfectly constructed. In his opinion it would be for the interests of any Railway Company to make that railway in the most direct line. It would be much better for them to make a perfect line at once than to make an imperfect line, and have to amend it afterwards. He was anxious that the line selected through Anglesea should be brought from Chester to Holyhead in the most direct line. He thought it would be good economy in any Railway Company to make the outlay necessary for the formation of the line in the first instance. Then with regard to the Straits of Menai. It would be a highly improper mode of passing the Straits of Menai to take advantage of the present bridge. It was never intended for railroad communication. It would be impossible to use it with locomotives. In his opinion, a bridge over the Menai Straits, fit for a proper communication of railway, might be constructed so as not to interfere with the navigation. It might have the same elevation as the present bridge, which he believed was 120 feet above the level of the sea, and if they erected a railway bridge of equal height, there would not be any risk of interfering with the navigation. Unless they could enable those residing in Dublin to answer letters from London by return of post, they would do little to justify an outlay of public money. He wanted to see the day when a letter posted in London at eight o'clock on Monday, should be answered from Dublin by a letter received in London at six o'clock on Wednesday morning, when the party receiving the letter in Dublin on a Tuesday should be enabled to answer that letter by the return of Tuesday's post—that was to say, thirty-four hours should elapse between the departure of the letter from London and the receipt of the answer from Dublin. Let them take the hour of the departure from London at eight o'clock on Monday. In fifteen hours the letter would arrive in Dublin. There would be four hours allowed in Dublin for writing the answer, fifteen hours for the transit of the letter; and thus the communication would take place in thirty-four hours. This would be a great public advantage. It was an affair of minutes almost. The object of the Government was to make arrangements to secure the most expeditious intercourse possible between the metropolis of Ireland and of England, and he begged that the House would not urge them too strongly to the expenditure of public money, unless by that expenditure they could secure the public advantage.

Subject at an end.

GLASS DUTIES — SLAVE LABOUR PRODUCE.] On the Motion for going into Committee on the Glass Duties Act,

Mr. *M. Gibson* asked whether Government drew a distinction between slave-breeding and slave-importing countries? He had understood that it was stated in effect that it would not be the policy of the Government to prevent the consumption of sugar the produce of slave labour, where the slave population was kept up by slave breeding, but only when it was kept up by slave importing?

The *Chancellor of the Exchequer* would answer the question when the Sugar Duties came on for discussion.

The House in Committee.

Resolution to reduce the Glass Duties agreed to.

The House resumed, and Bill accordingly ordered to be brought in.

VINEGAR DUTIES.] House in Committee on the Vinegar Duties' Acts.

The *Chancellor of the Exchequer* moved that the Chairman be directed to move the House that leave be given to bring in a Bill to repeal the duty of Excise on Vinegar made in the United Kingdom.

Dr. *Bowring* expressed his regret that the measure of the right hon. Gentleman would have the effect of encouraging the manufacture in this country of the inferior sorts of vinegar, which was nothing but purified pyroligneous acid. The really good vinegar came from abroad, and it would have been well to have given every facility to its introduction into this country when dealing with that article.

The *Chancellor of the Exchequer* said if

the hon. Gentleman had been in the House when this part of the Budget had been stated, he would have learnt that a reduction in the duty on foreign vinegar was also in contemplation. The Duties on home vinegar fell under the Excise, and those on foreign vinegar under the Customs, which made all the difference, and justified the course he had taken.

Resolution agreed to. House resumed.

The Resolution reported; and Bill accordingly ordered to be brought in.

STAMP DUTIES.] House in Committee on the Stamp Duties Act.

The *Chancellor of the Exchequer* moved the following Resolution.

Resolved, That the Stamp Duties now payable in Great Britain and Ireland respectively, under or by virtue of the several Acts, 55 Geo. 3, c. 184, 3 and 4 Will. 4, c. 23, and 5 and 6 Vic. c. 82, for and in respect of the several instruments, matters, and things hereinafter mentioned and specified, shall severally cease and determine; and that in lieu thereof there shall be raised, levied, collected, and paid for and in respect of the same instruments, matters, and things respectively the several Stamp Duties following (that is to say—

	£	s.	d.
For and in respect of every Agreement or Minute, or Memorandum of an Agreement, now chargeable with the Duty of one pound, under the head or title of "Agreement," in the Schedule to the said Act, 55 Geo. 3, c. 184, annexed . .	0	2	6
And for and in respect of every Policy of Assurance or Insurance, or other instrument, by whatever name the same shall be called, whereby any Insurance shall be made upon any ship or vessel, or upon any goods, merchandize, or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel, which may lawfully be insured for or upon any voyage whatever,			
Where the premium or consideration for such Insurance actually and bonâ fide paid, given, or contracted for shall not exceed the rate of ten shillings per centum on the sum insured,			
If the whole sum insured shall not exceed 100*l.* . . .	0	0	3
And if the whole sum insured shall exceed 100*l.*, then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist . . .	0	0	3
And where such premium or consideration as aforesaid shall exceed the rate of ten shillings per centum, and shall not exceed the rate of twenty shillings per centum, on the sum insured,			
If the whole sum insured shall not exceed 100*l.*	0	0	6
And if the whole sum insured shall exceed 100*l*, then for every 100*l.*, and also for any fractional part of 100*l.*, whereof the same shall consist	0	0	6
And where such premium or consideration as aforesaid shall exceed the rate of twenty shillings per centum, and shall not exceed the rate of thirty shillings per centum on the sum insured,			
If the whole sum insured shall not exceed 100*l.* . . .	0	1	0
And if the whole sum insured shall exceed 100*l.*, then for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist . .	0	1	0
And where such premium or consideration, as aforesaid, shall exceed the rate of thirty shillings per centum, and shall not exceed the rate of forty shillings per centum on the sum insured,			
If the whole sum insured shall not exceed 100*l.*, . .	0	2	0
And if the whole sum insured shall exceed 100*l.* then for every 100*l.*, and also for any fractional part of 100*l.* whereof the same shall consist . . .	0	2	0
And where such premium or consideration, as aforesaid, shall exceed the rate of forty shillings per centum, and shall not exceed the rate of fifty shillings per centum, on the sum insured,			
If the whole sum insured shall not exceed 100*l.* . .	0	3	0
And if the whole sum insured shall exceed 100*l.*, then for every 100*l.*, and also for any fractional part of 100*l.*, whereof the same shall consist . . .	0	3	0
And where such premium or consideration, as aforesaid, shall exceed the rate of fifty shillings per centum, and shall not exceed the rate of sixty shillings per centum, on the sum insured,			
If the whole sum insured shall not exceed 100*l.* . . .	0	4	0
And if the whole sum insured shall exceed 100*l.*, then for every 100*l.*, and also for any fractional part of 100*l.*, whereof the same shall consist . . .	0	4	0
And where such premium or consideration, as aforesaid, shall exceed			

the rate of sixty shillings per centum, on the sum insured,

If the whole sum insured shall not exceed 100*l.* . .	0	5	0
And if the whole sum insured shall exceed 100*l*, then for every 100*l.*, and also for any fractional part of 100*l.*, whereof the same shall consist . . .	0	5	0

But if the separate interests of two or more distinct persons shall be insured by one Policy or Instrument, the said respective Duties, as the case may require, shall be charged thereon in respect of each and every fractional part of 100*l.*, as well as in respect of every full sum of 100*l.*, which shall be thereby insured upon any separate and distinct interest,

And for and in respect of every Policy of Assurance or Insurance, or other Instrument whereby any such Insurance as aforesaid shall be made for any certain term or period of time, the following rates or sums for every 100*l.* and also for any fractional part of 100*l.* whereof the same shall consist, that is to say,

Where any such Insurance shall be made for any term or period not exceeding six calendar months . . .	0	2	6
Exceeding six calendar months .	0	5	0

And for and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever name the same shall be called, whereby any Insurance, commonly called a Mutual Insurance, shall be made, or whereby divers persons shall insure or agree to insure one another without any premium or pecuniary consideration, from any loss, damage or misfortune that may happen of or to any ship or vessel, or any goods, merchandize, or other property on board of any ship or vessel, or the freight of any ship or vessel, or any other interest in or relating to any ship or vessel which may lawfully be insured upon any voyage whatever,

For every sum of 100*l.*, and also for each and every fractional part of 100*l.*, thereby insured to any person or persons .	0	2	6

And for and in respect of every Letter or Power of Attorney, or other Instrument, made for the sole purpose of appointing or nominating a Proxy to vote at any meeting of the Proprietors or Shareholders of or in any Company or Society whose stock or funds are divided into shares and transferable . 0 2 6

Mr. *Forster* said, although he approved of the measure, he concurred in the objections urged against the proposed scale of reduction, which would be found practically most inconvenient. In the first place, the scale contained too many breaks or rates. Besides, the rates were not in due proportion to the premium paid. A higher rate of duty was imposed on the expensive than on the cheap risks, and the result would be, that our own colonial wool, for example, from Australia, would pay a Government tax of seven per cent., while German wool would only pay about $3\frac{3}{4}$ per cent., in place of a duty in proportion to the actual premium paid. Now, if the right hon. Gentleman were proposing a duty on wool, would he tax our Colonial wool 7 per cent., and foreign wool $3\frac{3}{4}$ per cent.? Yet that is what he is now doing; and unless he revises his measure, he should feel called upon to oppose it in Committee. He did not complain of a duty in proportion to the rate of premium, but that the scale did not effect.

Resolution agreed to.

House resumed.

Resolution to be reported.

SAVINGS' BANKS.] The *Chancellor of the Exchequer* rose pursuant to notice, to move for leave to bring in a Bill to amend the Law respecting Savings' Banks and the purchase of Government Annuities through that medium. The necessity for amending the Law arose from the late alteration in the rate of interest, and the circumstance that the high interest which was paid by these Banks afforded a constant inducement to persons who were not the specific objects intended to be benefited by them to invest money in them. However unwilling the House might be to deal in any manner which might appear unkind or harsh to those who invested money in Savings' Banks, they would see that the public were under no obligation to pay them a higher rate of interest than they could obtain in any other manner. He proposed by the present Bill to reduce the rate of interest in Savings' Banks from $2\frac{1}{2}d.$ to $2d.$ per day, thus giving the holder of stock $1\frac{3}{4}d.$ instead of $2\frac{1}{4}d.$ Various abuses had been alleged to exist in Savings' Banks, and it having been said that large sums were unfairly introduced, he had felt it his duty to institute inquiry with respect to a number of those Banks, and he was bound

to say that, although in some cases the law had been violated, there was no indication that the institution had been abused to any considerable extent. The House was aware that Savings' Banks required on their establishment a certain amount of deposit to cover expenses, and he found on inquiry, that in many cases large deposits had been made by benevolent persons solely with a view of establishing the Bank. This could scarcely be called an abuse of the institution. It was nevertheless true, that the state of the money market had induced many, not properly objects of them, to select the Savings' Banks as a mode of investment. He had, therefore, found it necessary to introduce a Bill reducing the interest, and containing provisions calculated to prevent abuse. The House was aware that the maximum of deposit for one year was 30*l.* He had ascertained that few of the depositors had availed themselves of it to that extent, and therefore he proposed to reduce it to 20*l.* By the Law as it now stood, no one could deposit a greater amount of money in any Savings' Bank than 150*l.*; he proposed to reduce it to 120*l.* The law also provided, that when such deposit, with interest, amounted to 200*l.*, all interest should cease. He proposed to reduce the maximum in this case to 150*l.* Of course in making this alteration, he should, as in a former case, reserve the rights of the present depositors, and apply the new provisions only to future cases. Greater abuses had existed in Savings' Banks by persons investing money as trustees of others. To meet this case he proposed, that upon the passing of the Act no person investing money as a trustee for any other person should receive payment without the signature of all parties interested, so that money could not be drawn by parties as trustees without the signature of all the parties mentioned in the account. There was another point to which he wished to call the attention of the House. Persons ignorant of business, who had sums of money to invest, did not take it to the proper office, and the officer to whom it was brought might not, and sometimes did not, account for it at the Bank. Now he intended to amend the Law in this particular, and to provide that if any paid officer of the institution should receive money from a depositor, and should not bring it to account at the next meeting of the society, he should be considered guilty of a misdemeanour, and liable to be punished for fraud. There was one more provision to which he would call attention. In cases where the rights of parties were disputed, he proposed to give a right of reference to arbitrators or to the legal adviser of the institution, so as to give a power of obtaining justice without cost. There were other minor provisions which he would not then trouble the House with, but which would be seen if the House gave him leave to introduce the Bill.

Mr. *Hume* was glad the right hon. Gentleman proposed to bring in this Bill. He had for three years past been calling the attention of the House to this subject, because he knew it was a fallacy to refer to the money in the Savings' Banks as a proof of the prosperous state of the country. The accumulation of the money in those banks arose from the high interest which was paid. He was of opinion that all persons holding Government Securities should be placed on the same footing, and that persons having 20*s.* in the funds should be placed in the same situation as those who had thousands of pounds.

The *Chancellor of the Exchequer* said, that the hon. Member for Nottingham had expressed his hope that some regulation would be adopted to prevent persons from depositing sums of money in different Savings' Banks; but that was amply provided for by the Law as it at present stood. Where the Law was deviated from, it was only from the neglect of the trustees. When a depositor went to a Savings' Bank, he was liable to be called upon for a declaration that he had not invested money in any institution of a similar kind. The Law rendered it imperative on every person, before investing, to make this declaration. The hon. Member for Montrose had suggested a point which was a favourite with him, viz., that whatever the interest in the Savings' Bank was, it ought to be invested with regard to the rise and fall of the funds. But he thought such a contingency would not operate favourably for the provident man. The object was to induce the poor man to invest his small savings, but if he invested when the funds were at a high price, as at present, and hereafter they should fall to sixty, and he was expected to bear the loss of that fall, then he thought it would operate to the prejudice of the system, and that the poor man would not be induced to invest his money. The hon. Gentleman stated that, in his opinion, the abuse of the Savings' Banks was carried to a great extent. Certainly, there might be abuses,

but he differed as to the extent to which they were carried. Latterly, he believed there had been a disposition to invest money, and therefore he proposed to introduce a Bill to reduce the rate of interest, and having other provisions to prevent the misapplication of these institutions for the sake of private gain. The right hon. Gentleman concluded by moving for leave to bring in a Bill to amend the Laws relating to Savings' Banks, and for the purchase of Government Annuities, through the medium of Savings' Banks.

Leave given.

Bill brought in and read a first time.

House adjourned at a quarter past six o'clock.

HOUSE OF LORDS,

Friday, May 3, 1844.

MINUTES.] *Took the Oaths.*—The Earl Granville.

BILLS. *Private.*—1ª. Earl of Guilford's Estate; Leeds and Selby Railway Purchase; Thetford Inclosure.

Reported.—Midland Railways Consolidation; Manchester and Leeds Railway.

3ª. and passed:—Glossop Market; Manchester and Birmingham Railway (Macclesfield and Poynton Branch); Eastern Counties Railway; Rodbard's Name.

PETITIONS PRESENTED. By Lord Campbell, from Lismore, and 19 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By the Bishop of London, Earls Winchilsea, and Rosebery, and Marquesses of Normanby, and Salisbury, from an immense number of places, against, and by Earls Dalhousie, Haddington, Fitzwilliam, and Lovelace, Bishop of Durham, Marquesses of Normanby, Bute, Lansdowne, and Salisbury, Lords Sudeley, Beaumont, Cottenham, Kinnaird, Brougham, Cloncurry, and the Lord Chancellor, in favour of the Dissenters Chapels Bill.—From the Mayor, and others of Derby, for the General Adoption of Postage Stamps.—From Pembury, and 3 other places, against the Union of St. Asaph and Bangor.—From Ronaldkirk, against the Encouragement of Popery.

DISSENTERS CHAPELS BILL.] The Order of the Day having been read for the House to go into Committee on the Dissenters Chapels' Bill,

The *Lord Chancellor* said—My Lords, it is my duty in consequence of the arrangements made on a former night, to state to your Lordships, which I shall do very briefly, the objects of this Bill. I think that nothing more is necessary on this occasion than to state what its scope and object are, in order to induce your Lordships to give it your warm and hearty support. I certainly never anticipated, when I undertook to bring forward this very moderate and scanty measure of justice, that it would have met with such a clamorous opposition. Petitions have been presented in great numbers against it, and they are now upon your Lordships' Table. I have felt it my duty to examine these petitions. The greater portion of them are couched in the same language—"surprise" and "alarm." They are obviously written by the same hand—they come from the same *officina*, and therefore they have made little impression on my mind. I know the facility with which petitions of this description are got up and signed; and certainly they have not led me to feel less confidence in the justice of the case than before those petitions were presented. It must always be remembered, that there are numerous petitions on the other side; but I humbly presume to say, that they are petitions of a widely different character, and that they are entitled to much greater attention at the hands of your Lordships. They are petitions from members of the Established Church, petitions from Presbyterians, and from various other denominations of Dissenters, not couched in general terms, but pointing out specific hardships and evils, and praying your Lordships to pass this Bill, which will afford a remedy for the complaints which they have set forth in their petitions. My Lords, there is an opposition, however, of a very different description, which this Bill is destined to encounter—the opposition of my right Rev. Friend the Bishop of Exeter, which is formidable not more from his talents than from his character and position. I do not apprehend, however, considering the strength and the justice of the case, even the effect of that formidable opposition. I feel some surprise, indeed, at the new association into which my right Rev. Friend has fallen, but I am persuaded that this will result from it, that he will exercise that influence which he has acquired over his new associates to temper their zeal, and, if possible, to put an end to those differences which unhappily prevail amongst them. My Lords, I am thankful to say, with respect to the provisions contained in the first section, that there is no difference of opinion amongst us. [The Bishop of *Exeter*: "No, no, no!"] The right Rev. Prelate says "No, no, no." This is the only quarter from which I have ever heard any objection made to that provision. I believe that my right Rev. Friend who sits opposite to me does not join with the opinions of the right Rev. Prelate (the Bishop of Exeter). What is the object of that section, and what is the state of the law which it is intended and calculated to remedy? Some charities, with respect to form of worship,

were established at a period when by law that species of worship was illegal. Subsequently Acts of Parliament have been passed legalising that form of worship. That which was illegal at the foundation of those charities has since become legal according to the law of the land. The more liberal character and spirit of the present age have repealed those statutes which declare that form of worship to be contrary to law—to be illegal. Notwithstanding this, the foundation of those charities—the charity itself, and the foundation itself—were both illegal, it has been considered, notwithstanding the alteration of the law, that in this respect the defect has not been remedied; and to prevent the consequences resulting from this, and for the purpose of preventing those charities from being vacated by processes in the Courts of Equity, I have introduced this Clause into the Bill, and the object of the Clause is, that these charities should be considered, in reference to their foundation, as if they had been founded subsequently to the passing of those Acts. What can be more reasonable, what can be more just than such an Enactment? If they had been legal at the foundation of the charity, the charity itself would have been legal. They were now legal, and why should they not legalize those charities? And what is the object of those who oppose this Bill? The object is, that they are to be set aside and declared void, in order that they may vest in the Crown, and be devoted to some other purposes, different from the object to which they were originally destined by the intentions of the founder. Until I hear some argument urged in opposition to this Clause, I shall rest on this statement; I will rest upon the support which I expect to receive from my right Rev. Friends; I will rely on the opinion expressed everywhere out of doors in favour of this part of the Bill, and I shall not trouble your Lordships with any further observations respecting it. Now, with regard to that which is the material point of this Bill to which the opposition is directed, I must state to your Lordships what the nature of the provision is. Nothing can be more simple. A place of worship is established by a deed, or by a will, of some benevolent person. That place of worship may have existed for a period of 150 or 200 years. For a long period of time, 30, 40, 50, 60, or 70 years. The congregation meeting at that place of worship had entertained the same religious opinions and doctrines. No change whatever had taken place during that period. It is a matter of speculation what was the religious opinion of the founder. He had not in his deed of trust or in his will declared what his doctrines and opinions were, or what he was desirous of having preached and inculcated in that place of worship. What! are we not to take the uniform usage which has so long prevailed as evidence of the intentions of the original founder? If he had declared that particular doctrine should be preached, to such a state of things this Clause does not apply; but to such a state of things as I have mentioned, where the founder had not laid down in terms the doctrines which were the particular objects of the foundation. If parties had during a long period, continued the same uniform consistent usage, with respect to religious worship and doctrine, proceeding on this principle, I ask your Lordships why it is not reasonable to take that usage as evidence of what the intention of the founder was, and not to allow the title of the occupants of those charities under those circumstances to be impeached in a Court of Justice? My noble and learned Friend, who sat near me, said, on a former night, that the principle upon which his Bill was built was a principle known to the law, which is, that uniform possession during a long period of years establishes a title. It was a great principle of our law—it was a principle of the law of all civilised states—it was a principle drawn from the wise jurisprudence of ancient Rome—that principle and rule of law which were applied to the estates and civil rights of their Lordships and the people at large. Why should it not be applied, he begged to ask, in cases of the description which he had mentioned? Persons often valued their rights in this kind of property more highly than property of any other description. These places of religious worship were frequented by their ancestors, and the burial ground attached to the establishment contained the remains of their valued relatives. Was it not therefore most material, that the principle which was applied to civil rights, might be applied to this fixed character of property. As to civil rights, if a party wrongfully obtained possession of property by a flagrant act of violence, yet if he was allowed to continue in uninterrupted possession of the property for a long series of years, (and indeed not for a very long period according to modern law), his title became absolutely indefeasible. The claimant might say, "I was wrongfully

dispossessed; I am ready to prove it, to give most distinct evidence of the fact;" the answer is, "an indefeasible title has been acquired against you by lapse of time." This was built upon a wise principle. Evidence was lost by lapse of time, witnesses died, their testimony was gone; parties were no longer able to establish by distinct evidence and proof what their rights were. Time effected all this. Lapse of time had also its counteracting effects—it established by continued possession that evidence of right which continued possession gives, it gave another title, balancing and repairing the title that had been lost. This was a principle that was already an established principle of the law of this country. But it is material to consider how this principle has been recognised and extended in modern times, for the purpose of showing how much importance was attached to it, and how much we valued it. Everybody knows that this rule of law to which I have adverted, did not extend to cases in which the Crown was concerned. The Crown was supposed to be so much engaged in public affairs, and devoted so much to the public interest, that it had not the opportunity of very carefully superintending its own particular interest. Perhaps, there was another principle applicable to the case of the Crown—viz., that the weakness supineness, and negligence of the immediate possessor of the Crown, should not impair the rights and interests of his successor. This for a long period of time was the law of the country. In modern times it was considered a false principle, that the rule of limitation should apply to the case of the Crown as well as to the case of private individuals, except so far as to require possession against it for a greater number of years than in the case of a subject; and after much consideration and discussion Parliament adopted the rule, putting an end to the exception to which he had adverted. That is not all. Another exception had prevailed in former times, which had continued almost to our own day—indeed to our own day existed—I mean the case of the Church—and for the reasons I have already stated in the case of the Crown—viz., that the interests of the Church, as a corporation, should not suffer from the supineness, negligence, or connivance of individuals. The Church was, therefore, an exception. How have we treated that exception? The policy of the rule and the importance of it to the interests of society have been generally acknowledged, and its tendency to put an end to litigations and to quiet titles, have so prevailed in the case of the Church, that in our own days, within a few years of this time, an Act of Parliament passed, for the purpose of imposing a period of limitation, with respect to the title and property of the Church. That Act was introduced by Lord Tenterden, one of the most correct lawyers; and one of the most zealous defenders of the rights of the Church, and whom no one would suspect of any looseness or laxity in opinion or doctrine, who thought it inconsistent with the interests of society, and public policy, that the exception in favour of the Church should any longer exist. Why have I entered into these details? For the purpose of impressing on your Lordships the importance of the rule I have stated, and the universality of its application; and I ask your Lordships, if, with respect to all our civil rights, with respect to the property of the Crown, and the rights of the Church, this rule is to be applied, why it should not be applied in this particular case which is now the subject of your Lordships consideration? why, if parties have been in possession, for a long series of years, of property devoted to the worship of the Supreme Being, and that worship has been carried on in a particular form, and particular doctrines inculcated, should not your Lordships establish that the right in this instance is as indefeasible as in the particular cases to which I have referred? This is the principle on which the Bill is founded, as it was shortly announced by my noble and learned Friend on a former night, and it is on this short principle that I rest my case. Now what is the practical operation and effect of this clause? It does not apply to a case where the founder has in terms of express trust stated the particular doctrines that are to be preached and inculcated in that place. And why? Because in that case a departure from these doctrines and these opinions might be a wilful departure from the doctrines that are intended to be inculcated by the founder, but where no such limitation is imposed, where nothing of the kind is to be found in the body of the deeds, but where you are left to conjecture from various collateral circumstances what the opinions of the founder are — it is to obviate the necessity for such an enquiry — to prevent litigation of a most expensive and difficult kind —for the legitimate purpose for which the Statute of Limitation has been passed —that this particular clause has been in-

troduced into the Bill. Mark, my Lords, out of what this Bill originates. The circumstances which I am about to detail to you, as to a very important case, which does not come within the operation of this Bill, but which throws light on the species of inquiry that will be necessary if your Lordships do not think proper to pass this Bill, will satisfy your Lordships to demonstration of the necessity of the Measure. I refer to the case already alluded to by my noble and learned Friend on a former night, of Lady Hewley's Charity. Give me leave, my Lords, to say, this is not a case standing by itself; there are several other cases of the same description now pending, and many more threatened, and much litigation and extravagance of expense will be incurred. I call all these circumstances to your Lordships' attention and recollection, in order that you may see the consequences of rejecting this particular part of the Bill to which I now direct your Lordships' notice, what was that particular case? In the deed by which the Charity was founded, there was no express declaration of the doctrines which she, the foundress, intended to be inculcated in that establishment—no express declaration—there were vague and general terms, I admit. And what was the consequence? An information was filed in the Court of Chancery; it was necessary to enter into evidence of the most complicated, and refined and difficult description, first to ascertain what were the religious opinions of the foundress. The evidence went to show that she was a Presbyterian; a vast body of evidence was necessary for that purpose. Then another body of evidence was necessary to show what were the particular religious opinions of the Presbyterians of that day; a vast body of conflicting historical evidence—the testimony of one set of men opposed to the testimony of another. All that was collected into a great mass, and at last the cause came on for hearing before the Vice-Chancellor of England. What was the result? After many days of argument and debate, the Vice-Chancellor was of opinion there had been a violation of the trust, and that the trustees should be discharged from the trust. The same cause afterwards came on before his noble Friend (Lord Cottenham). It was again argued at great length, but, unfortunately, before he was in a condition to decide it, he gave up the Great Seal. It then came again before myself, and after several days spent in hearing the arguments, with the assistance of the Judges, I confirmed the decision of the Vice-Chancellor. It was then brought before this House—argued for fifteen days at your Lordships' Bar—the arguments were of the most extensive nature and most refined and difficult description, and your Lordships confirmed the judgment of the Courts, and the result has been, that the trustees are discharged from their trust, they not being considered as entitled to the benefits of the Charity—the members of the Established Church not being considered as entitled to the benefits of the Charity. Then the question arose, who were the parties that were entitled? What were the religious opinions of Lady Hewley? What were the religious opinions she was desirous of seeing taught in the establishment? Many candidates came forward; the Presbyterians said, "It applies to us." The Independents came forward and said, "It applies to us." All the claimants went into the Master's Office, the Master had to investigate their particular religious creed, to compare it with Lady Hewley's, to ascertain whether one or all were entitled to share in this benevolence. The Master made his report, which went before the Vice-Chancellor; it was excepted to, and the Vice-Chancellor had again to go through all these details, to examine all this conflicting, minute, and vague evidence to enable him to come to a conclusion; and the cause is still pending. But, my Lords, one thing has been determined—a very important part of the case, that the costs are to come out of the Charity. An ordinary Charity would have been crushed and destroyed by the costs. The costs at this moment amount to nearly 20,000*l.* to be paid out of the Charity. The Charity is to pay them—is to be mulcted to this amount. Why did I state this? This case does not come within the Bill, but then inquiries of the same nature might be carried on in those cases to which this Bill is directed, if, in the deed of foundation, the particular religious opinions are not stated. What is the consequence? That your only mode of ascertaining what were the objects and intentions of the founder must be, to ascertain what were his religious opinions, his intentions in making this establishment, and to collect from collateral circumstances, as well as you could, what were the particular religious opinions intended to be taught. There is not a single case coming within the operation of this Bill, which is confined to

chapels, burial grounds connected with chapels, ministers' houses attached to them, and small schools, that would not in one week of such inquiry, be entirely annihilated by the expense. I am stating nothing visionary. I know of 200 or 300 suits already talked of as likely to be instituted to oust the present possessors of different chapels, and substitute other persons. I think I have made out a case in support of this moderate, this scanty measure of justice; and that no person acquainted with the circumstances can entertain a doubt as to the propriety and justice of supporting this Bill. There is another class of cases still harder. We all know that, between seventy and eighty years ago, and down to the present time, chapels for religious worship have been established by mutual subscription, and trustees appointed, for the purpose of continuing the title. Who are the persons at present in the enjoyment of these chapels? The descendants of original subscribers; and they are to be ousted because, in the lapse of time, there being no directions in the trust deed, they have innocently departed from some of the doctrines of the original subscribers, having no test to know with accuracy what their opinions were, but having for the last thirty or forty years acted consistently as to religious belief and worship. What can be a harder case than this? The subscribers have met in a chapel built at the expense of their fathers, their connections are buried in the ground attached to this chapel; are they to be turned out to make way for strangers, because, by conjecture, by plausible arguments, by reasoning, you may come perhaps to the conclusion that the opinions of the founders of the chapel were different from the opinions of those who now frequent the chapel, and they intended that their opinions should be the opinions inculcated in that place of worship? These are the arguments on which I rest this Measure. I have told your Lordships in the outset, that all that I thought it necessary for me to do was, to make a plain and simple statement of the facts of the case, of the object of the Bill, and the evils it sought to remedy. The object is, to quiet titles, to legalise that which might perhaps, after long inquiry and expensive litigation, ultimately turn out to be doubtful—to prevent litigious individuals, professional men, looking at these Charities as prey upon which they are to feed, instituting for their own particular and selfish purposes proceedings of this description. I ask your Lordships to aid me in this work; I am confident that the great majority of your Lordships will support me, and I sit down with the most perfect confidence, that if this Bill is not carried into a law, at least I have justice and right on my side in pressing it on your Lordships for your adoption.

The Bishop of *London* said, that if he felt reluctance in being obliged to object to going into Committee upon any Bill proposed by his noble and learned Friend, it was with still greater reluctance that he assumed the character of objector, when he understood, that as had been stated in a certain printed paper, the Measure was one of the Government of which his noble and learned Friend was so distinguished a Member. But, whether it were the Measure of his noble and learned Friend, or the Measure of the Government, he felt himself bound, in the discharge of the duty he owed to the public, to say, that it was, in his opinion, an unjust and uncalled for Measure. He should have felt still greater reluctance in appearing in the character of an opponent to his noble and learned Friend, had he not felt the grave and weighty authority to which he could refer for the opinion he was about to give—it was the authority of his noble and learned Friend himself. He was not entitled on the present occasion to say with the distinguished orator of antiquity, that it was an appeal from Philip in one condition to Philip in another; but he did appeal from the Lord Chancellor on the Woolsack to the Lord Chancellor on the Bench, from the Legislator to the Judge; and he did so with the greater confidence, as agreeing in the truth of that axiom propounded by another noble and learned Lord, once the occupant and ornament of the Woolsack and the Bench, that the opinion of a Judge was more certain than that of a senator,—and so it must be in most cases; and why? because a Judge feels himself bound to decide according to the experience and decisions of past ages, whilst the Legislator and Senator was inclined to deal with the uncertain contingencies of the future: and, therefore, he would rather pin his faith, where any great question of law or constitutional principle was concerned, upon the opinion of a Judge than upon that of a Legislator. His noble and learned Friend he would not say taunted, but spoke somewhat sarcastically, of his (the Bishop of

London's) new associates. Though he had understood that it was in contemplation in the course of the preceding year, he had never heard a word of this Bill, until it was brought in by his noble and learned Friend. He then immediately looked it over and objected to the second Clause. But he had no associates with him, and, indeed, subsequently he had had more communication with the promoters than the opponents of the Measure. Then his noble and learned Friend spoke of the hardships which this Bill was to remedy. Let him speak of the hardships which it would create. The object of the Bill was to render lawful that which was at present unlawful—to make an unlawful usage of a trust, a title by the continued usage of it. When he said unlawful usage, he would not be understood as using the term in an invidious sense, as charging persons with the wilfully illegal usage, but he was prepared to show, that the usage they made of the trust was an illegal usage, and that the Bill was to quiet and confirm them in that course. It was true that another object of the Bill was to obviate litigation. Now, litigation was an invidious term, and in the worst sense of the term was a great evil to most persons, bringing great profit to a few, and great loss to many; whilst, in another sense of the term, it was a great, but perhaps not an unmixed good; and if right could only be so vindicated, then, as far as the public was concerned, it was a necessary evil. Then, the quieting of titles was undoubtedly an important object; but it was still more important that persons justly entitled to property should be put in possession. And if quieting titles was to be purchased at the expense of truth and justice, still more of religion, then he said that in this sense it was an evil and not a good. But let him make a few observations upon Lady Hewley's case. That certainly was a remarkable case of litigation. But what was the result?—that the opinion of the Judges below and of the supreme court of judicature, was, that the case of the claimants was good. Could it be called an evil, that expense should be incurred in securing that the charity, if not yet strictly limited to a right use, should at all events be restricted from a wrong one? And, then, as to the expense which the cause had occasioned, it was to be attributed not to persons who succeeded in vindicating their right, but to those who pertinaciously defended themselves in the wrong. On the other hand, no inconsiderable good resulted from that expense, namely, that the apprehension of it would almost invariably protect from claims of a doubtful and unfair nature small trusts because it would clearly not answer the purpose of either party, that the whole of the property should be swallowed up in costs. Next, as to the historical part of the evidence. He had only heard one argument which appeared to him to have any considerable weight, and it was this,—that the persons who built, founded, and in some cases endowed these Chapels—and let him here observe, that when he used that term he did so to save trouble, though they were more correctly called what was in common parlance meeting-houses; and he might also further state, that in the course of the observations he had to make, he should use the term Unitarians to save circumlocution,—not that he would be thereby understood to admit that they were justified in the exclusive use of that term; it was said that the clearest proof of what had been the religious views of the founders of the Chapels, was to be found in the religious views, whatever they might be, of those who had the religious use of the Chapels; and that as they were persons who objected to the use of all Articles of Faith, and to subscription of every kind, they could not have intended to bind the future occupants of their Chapels to any particular creed or mode of worship; but it was easy to perceive that there was no pretence for this argument. Before the Act of Toleration it was not lawful for any religious sect to worship in any other form than that of the Church of England. At the Restoration, 2,000 ministers of the Church of England were dispossessed of their benefices, in consequence of their refusal to subscribe, and a great many meeting-houses were in consequence built and founded by men professing the doctrine of the Trinity. By the Act of Toleration Dissenters were allowed to conduct their own worship, but with this remarkable exception—that the permission was not to extend to those who denied the divinity of our Lord and Saviour Jesus Christ; therefore no Unitarians could worship in public without being subject to a penalty. Nevertheless, nearly 2,000 chapels, or rather meeting-houses, were built within twenty years from 1689, the date of the Toleration Act, and not one

was occupied by a minister who denied the doctrine of the Trinity. It could not be, for at that time it would have been considered blasphemy to preach the Unitarian doctrine. By the Toleration Act no Dissenting minister could exercise his functions, without having first declared his assent, and subscribed to the doctrinal articles of the Church of England? consequently they must all have been believers in the doctrine of the Trinity. In 1691 an union took place between the Independents and Presbyterians, but still both classes of Dissenters were strictly Trinitarians. About that time a remarkable instance occurred showing how the Unitarian doctrine was viewed by Dissenters. A distinguished man, Mr. Emlyn, a Dissenting minister of Dublin, had been deprived of his office because he had preached high Arian doctrine; and so strong was the prejudice against him when he came to London, that not a single Presbyterian minister would communicate with him. So things remained till 1779, when a subscription to the Articles was abolished, and a simple declaration substituted of belief in the Holy Scriptures, as received by Protestant churches. But from 1589 to 1779, it was next to impossible that any Chapel could be built with the view of upholding the Unitarian doctrine. During the whole of that period of ninety years, Dissenting ministers continued to subscribe and must, if they were honest men, have been believers in the doctrine of the Holy Trinity. But it was asked, if the founders of these Chapels intended to exclude Unitarian doctrines from their pulpits, why did not they cause express words to that effect to be inserted in the trust-deeds? Simply because it was thought to be unnecessary. The law, as it then stood, was a sufficient bar to the preaching of those doctrines. The founders never contemplated the probability of such a change as should legalise such preaching. The change, however, was made. He did not give any opinion as to whether it was right or wrong; but this he had no hesitation in asserting, that the pious men who founded the Chapels in question, would sooner have had their right hands cut off, than have given any portion of their worldly means to assist in the dissemination of doctrines which they believed to be contrary to the truth of God's word. This was not his opinion only, nor one newly taken up or expressed. He would read to them a passage from a letter published nearly twenty years ago by an eminent Dissenting minister; and he would remark by the way, that the present question was not one between the Church and the Dissenters, but a great question of truth and equity, in which all were interested; he was not pleading the cause of the Church nor opposing the claims of the Disseuters, but he was arguing in behalf of truth and justice. The passage was as follows;—

"To every man who is acquainted with the characters and writings of the old Presbyterians it is impossible for a doubt to exist whether they would not have shrunk with horror from the idea of permitting their names, their property, or their influence, to go for the support of a system of doctrine, subversive of all their own faith and labours, and which they conscientiously believed to be utterly ruinous to the everlasting welfare of mankind."

The question, therefore, was not a new one; it was not as though the persons who had these Chapels, as he thought unjustly, and against the will of the founders, had not had warning. The alarm had been sounded nearly twenty years ago; complaints were made long ago of the unlawful usurpation of trusts by the Unitarians, and action for their ejection would have been brought, but for the uncertain state of the law till the decision in Lady Hewley's case, This occurred in 1825, in the county palatine of Lancaster, which contained a large pro portion of the 300 Chapels, of which the greater number, now usurped by Unitarian trustees, had been founded—founded by persons of opposite sentiments; therefore, it could not be said that no warning had been given. And this claim made by one small body of Dissenters, was opposed, he understood, by almost every other class of Dissenters. The Unitarians he believed, formed about two per cent. of the whole body of Dissenters,—not more, The Wesleyans had had a meeting upon this subject, and had agreed with great unanimity, to represent to their Lordships reasons against the passing of this Bill. The general body of Dissenters had likewise subscribed an address against it; and, therefore, he again said, this was not a question between the Church and Dissenters, but between the Church with the orthodox Dissenters, against those who were misusing property which had been given for other purposes. This Bill was,

he thought, neither more nor less than an *ex post facto* law making that necessary for the validity of a trust which was not necessary when the trust deed was executed, and this brought him to that great and sound principle upon which courts of equity acted, and upon which he trusted their Lordships would act. When the intention of the founder could be ascertained, as in a moral sense it could be in these cases, it ought to be adhered to, and it was the duty of courts of equity to enforce it. Here he could bring a long array of witnesses, whose testimony was of great importance, in support of this proposition; and he should close this long array with one testimony, not of the least importance, that of his noble and learned Friend, who, in a luminous judgment had summed up the arguments of the other Judges. It was held by the House of Lords, in the case of Craigdallic *v.* Ackman,

"That in a case where it was difficult to ascertain who were the legal owners of a meeting-house, as representatives of the original contributors, the use of the meeting-house belongs to those who adhere to the religious principles of those by whom it was erected."

In the Attorney General *v.* the Mayor of Bristol, Lord Eldon said,

"Has the practice and enjoyment which has obtained for more than two centuries been a breach of trust? If it has, we must not scruple to disturb it."

In the Attorney General *v.* Pearson, the same great authority said,

"The Court of Chancery is bound to administer trusts for the benefit of Dissenting congregations: where a trust is created for religious worship, and it cannot be discovered from the nature of the deed what was the nature of the religious worship intended by it, it must be implied from the religious usage of the congregation. But, if it appears to have been the founder's intention, although not expressed, that a particular doctrine should be preached, it is not in the power of the trustees or of the congregation, to alter the designed objects of the institutor."

So also, in Foley *v.* Wontner. In the case of the Albion Chapel, Lord Eldon remarked,

"Where persons brought questions of property before courts by information, or any other manner in which it might be subjected to their consideration, and it could be shown that the property was, in the first instance, made applicable to a particular mode of religious worship, and complaint was also made, that it was applied to a mode of worship totally opposed to the purposes for which it was at first assigned, the court would not permit even a majority of the individuals to depart from the purposes to which the property was in the first place assigned."

He now came to the authority of his noble and learned Friend himself in the case of Lady Hewley's charity, which, however, should be ushered in by the observations of Baron Alderson,

"That Lady Hewley must have had fixed religious opinions, strongly and conscientiously felt by her, or else it is not likely that she would have made this foundation. It was very unusual for religious foundations to be made by any other than persons having strong and fixed religious opinions. Those who entertain what are called latitudinarian notions, are not commonly those who leave their property in this way."

Lord Lyndhurst said,

"In every case of charity, whether the object of the charity be devoted to religious purposes, or to purposes purely civil, it is the duty of the court to give effect to the intent of the founder, provided this can be done without infringing any known rule of law. If the terms of the deed of foundation be clear and precise in the language and clear and precise in the application, the course of the court is free from difficulty. If, on the other hand, the terms which are made use of are obscure doubtful or equivocal, either in themselves or in the application of them, it then becomes the duties of the court to ascertain, by evidence, as well as it is able, what was the intention of the founder of the charity, in what sense the particular expressions were used. The moment the fact is known and ascertained, then the application of the principle is clear and easy. It can scarcely be necessary to cite authorities in support of these principles, they are founded in common sense and common justice. Can we believe that the pious lady would have given her funds for the purpose of promoting and encouraging the preaching of doctrines, directly at variance with those opinions which she entertained upon points which have been universally considered as essential in matters of religious belief? I feel myself compelled to come to the conclusion, that she never intended that her bounty should be applied for the purpose of promoting or encouraging the preaching of Unitarian doctrines."

And, accordingly the Unitarian trustees were ousted. It would be superfluous for him to add a word to the lucid and forcible statement of his noble and learned Friend, that the principles in which his judgment was pronounced, are founded "in common sense and common

justice." But it was these very principles which the present Bill went directly to contravene and subvert; and, therefore, the Bill itself was contrary to "common sense and common justice." It was now proposed that the usage of a congregation for the last twenty years, should be conclusive evidence of what was the purpose of the founder 150 years ago, and of the religious doctrines which he intended to be taught. This, surely, was most illogical and unreasonable. He should have thought that they might find a better evidence of what that intention was in the usage of the first, instead of the last twenty years, from the date of the foundation. And, in almost every case, it might be satisfactorily proved what that usage was, what the doctrines were, which were preached during the first twenty years or at all events what they were not; and it was a most strange proceeding to take, as conclusive evidence of the founder's intentions, twenty years' preaching of doctrines which it might be demonstrably shown he would have held to be blasphemous. Again, it was argued in favour of this Bill, that it would prevent litigation, and produce a feeling of peace and security in many congregations of Dissenters. He objected to sacrifice a principle of equity and justice for the attainment of a very doubtful end. He believed that the measure, if passed into a law would unsettle many congregations; and if it did not, as he thought it would in many cases give rise to immediate litigation, it would awaken and keep alive a spirit of jealous vigilance as to the doctrines of the preachers. Pious and intelligent men, knowing the effect of twenty years' continued preaching of any particular doctrine, and how easily false doctrines are introduced, would be always on the watch for any erroneous opinions, and unguarded expressions on the part of their preachers. In the case of nearly all the Chapels to which this Bill would apply, the descent from the orthodox doctrine to the lowest depths of Socinianism had been slow and gradual, and in its first stages, perhaps, scarcely perceptible. It usually commenced with some minister holding what are termed high Arian opinions: his congregation became habituated to his modes of expression, the tendency of which was unperceived, and so to his doctrine; his successor ventured upon a lower kind of Arian teaching, and at length Unitarian or Socinian opinions were plainly and regularly preached. He should like to know what security there would be, if this Bill were passed, that some Chapels would not be claimed and obtained by the preachers of Socialist doctrines. The words of the Bill were so vague and general, that they would not exclude the claims of any party or sect whatever, pretending to be a religious body. He would, in the last place, call their Lordships' attention to a most important and dangerous innovation which this Bill went to introduce. It would place Charitable trust property on the same footing with private property. But it was the duty of the Legislature, as it had always been the practice of Courts of equity, to make a distinction between the two. It was evident that trust property was more in need of protection and of public guardianship, than private property. Trustees did not feel the same direct personal interest in the security and right management of the property held by them in trust, as is felt by the owner of an estate. Upon the whole, it appeared to him that the effect of the present Bill would be to enrich and endow Unitarianism with the spoils of the more orthodox Dissenters: that it had been brought forward without sufficient cause, or necessity shown — no complaints of existing evils having been made to the Legislature, nor any opportunity afforded to those with whose claims it would interfere, to show cause why it should not pass into a law. Anxious as he was to do everything in his power, to prevent unnecessary litigation, and to quiet doubtful titles, where it could be done without palpable injustice, and desirous as he was of not interfering with the just rights of any religious body, he felt himself bound to oppose this Bill, at least the second clause of the Bill, as involving a principle inconsistent with justice and equity, and the interests of religious truth. He therefore moved, that the Bill be committed that day six months.

Lord *Brougham* entirely approved of the Bill, and would shortly state his reasons for approving of it, and for disapproving of the principle so ingeniously and so moderately maintained by the right rev. Prelate who had preceded him. He thought that right rev. Prelate had only erred in not keeping in view the real object of his noble and learned Friend who had introduced the Bill:—he did not enter

into the question of the right and the wrong of religious truth, any more than did his right rev. Friend. His noble and learned Friend abstained from enacting by his Bill, that there should arise any presumption whatever with respect to the religious tenets of the founder, from the late usage of any congregation. He did not conceive that that was in any degree affected by the belief and system of worship pursued at these meeting-houses. The Bill did not say, that the doctrines preached for the last thirty years should be admitted as conclusive proof of the doctrines held by the founder; but it did state that, as for thirty years certain doctrines had been maintained — that these doctrines should be so far taken in evidence as to prevent legal questions from being mooted —as to prevent disputes from arising between conflicting societies—as to prevent legal operations—as to prevent a lamentable waste of the time of the worshippers and the funds of the founder—as to prevent such sums as 30,000*l.* from being squandered away in ascertaining, or attempting to ascertain, such a nice and difficult, and yet, withal, perhaps, not such a very important point, as that of the peculiar religious views of Lady Hewley, and to prevent that money from being spent in law, which the benevolence of the founder had willed should be spent in charity. Their Lordships must not think that his noble and learned Friend's decision in Lady Hewley's case, could be put in opposition to the principle of this Bill. While delivering judgment in that case, he was expounding the law, but when he came as a law-giver to consider whether that law was expedient, or whether it should be modified, he could then, with perfect consistency, object to the propriety of the law, and bring forward this Measure on the very ground that the law was such as he had formerly stated it to be:—for, had he found the law other than it was, this Bill, intended to alter the law, might not have been necessary. He now, however, begun by this Bill—in a very slender degree—in a very scanty measure—in a very insufficient manner—to alter the presently-existing law; but still, quite consistently with the honest principles of political justice, and with those principles which had guided the Legislatures of this and of other countries—the desire to put an end to harassing doubts, and to avoid superfluous litigation—when they looked at the unnecessary litigation which had taken place—at the alarm of congregations as to that litigation—to their alarm, also, at their being deprived of their churches and churchyards (which latter idea seemed to have exercised a peculiar influence)—he could not conceive anything more befitting the merciful justice of this House, than to pass a Measure which would have the effect of, in some degree, at least, quieting those doubts and fears. He must demur to the proposition that you might always be certain for what object the fund was devised for, by ascertaining the religious belief of the founder. Persons, in devising property in trust, were often influenced by charitable motives alone, independent of religious feelings; and it was by no means an uncommon occurrence for persons to devise property for charitable purposes, for the sole use and benefit of persons of a totally different religion to their own. Protestants, for instance, had left property, in trust, to be applied to the relief of Roman Catholics, and even Jews. For the reasons he had stated, and looking at the Measure as one for quieting possession, and preventing injustice and useless and expensive litigation, he returned his most hearty thanks to his noble and learned Friend for having framed and brought it forward, and he humbly, but earnestly hoped that it would meet with their Lordships' concurrence.

The Bishop of *Exeter* objected to the principle of the Bill altogether, as set forth in the preamble. His great objection to the Bill was, that it went to enact, that usage of twenty years should fix for ever the doctrines to be taught in any chapel; and the principle thus involved set aside and struck at the very root the sacredness of trusts. Usage had never hitherto been permitted by Courts of Equity to run against trusts; because adverse usage could only be a series of malversations on the part of trustees. Their Lordships had been told by the noble and learned Lord who introduced it, that this Bill was to prevent litigation; but if the object were to promote litigation, he defied his noble and learned Friend on the Woolsack, or his noble and learned Friend by his side (Lord Brougham), to devise any scheme which would prove so fertile in it as the one now under consideration. Under this measure, if by chance one of these chapels come into possession of sects who denied the doctrines of eternal punishment, or of Socialists or Chartists, and if they maintained the possession of them for thirty years their doctrines only must be taught

there. They were told, however, that there ought to be an extension of the principle of prescription. The noble and learned Lord (Lord Brougham) was entitled to the gratitude of the country, and of posterity, for the issuing of the Commission of charities—but what was the principle of that Commission? Was it that usage should run against trust, and that litigation should be prevented, and peace established in the way proposed by this Bill? No! To the eternal honour of that noble and learned Lord, he proceeded in regard to that Commission upon totally opposite principles, and he said no length of time, no usage, shall be permitted to militate against the objects of charitable trusts; but that the objects for which property was devised in trust for charitable purposes should be carried out, and yet the very principle of the Bill then before their Lordships was, to derange the intentions of the testators. He opposed the Bill because it proceeded upon the principle of disregarding the ascertained intentions of founders of trusts. He objected to the first Clause of the Bill, and, consequently, to the whole principle of the Bill, because it put upon the 53rd of Geo. III., cap. 160, a construction which had never been put upon it in any court of law, and against which there were very high authorities. There were, for instance, against it the authority of Sir Samuel Romilly and of Lord Eldon. Sir Samuel Romilly, in arguing the case of the Attorney General *v.* Pearson, admitted that it was against the common law to deny the Trinity, and Lord Eldon said, that when that Act passed, one House, at least, of the Legislature did not intend by it to repeal the common law offence of denying the Trinity. The common law offence therefore was left where it was. His (the Bishop of Exeter's) diffidence in treating of the subject was increased by the answers which had been given by the learned Judges in the case of Shaw *v.* Wilson, in which Lady Hewley's charity was involved. He thought that they said, that Unitarians were free from all penalties, and that the denial of the Trinity was not unlawful. But he saw that they guarded themselves with certain words—they said "statutory penalties and penalties at common law"—but they did not absolutely say that it was not unlawful. Unitarianism, therefore, was, as admitted by the highest authorities, unlawful by statute—and if it were not by statute, under that law (which his noble and learned Friend on the Woolsack would admit was as much a statute as any law of Parliament)—the common ecclesiastical law of England. [The Lord *Chancellor*: "Hear, hear."] The denial of the second person in the Trinity was an offence. That clearly appeared from "Hall's History of the Ecclesiastical Law." The statute of the 1st of Elizabeth showed that the doctrine entertained by those persons to whom the majority of these endowments now belonged was heresy, and was, therefore, contrary to the law; and the Act of Toleration, in excusing parties for nonconformity with the discipline of the Church, did not in any manner expressly, or by implication, excuse those who denied the fundamental doctrines of Christianity, such as the Trinity or the Divinity of the Saviour, from being articled in the Ecclesiastical Courts. He feared that the noble and learned Lord on the Woolsack would this night triumph over principles that had never before been assailed in this House. He entreated their Lordships to figure to themselves a Bill of this nature presented to this House under the sanction of the Lord Chancellor at the time when Lord Nottingham or Lord Somers was Chancellor. Those illustrious predecessors of the noble and learned Lord, with whom he ought to rank, and with whom nobody but himself could prevent him from ranking, were parties to the Act of Toleration, which excused nonconformity, but excluded those persons from the benefits of the toleration then given, and secured to the Church all the rights which belonged to her, except those merely in reference to the proceedings for nonconformity. He had no doubt the noble Lord would have a great majority this evening. Such was his power in this House that he never could fail to have a large majority; but this evening he would have, in addition to those noble Lords who usually supported him, the assistance of the noble and learned Lords who sat on the other side. The noble and learned Lord had in this House the power of a Judge and that of a Minister of the Crown. The noble and learned Lord had in this House the strength of a Briareus; he had a hundred arms; a hundred of their Lordships were ready at all times to rise up and support him. Yet, after all this, they should come to a vote this evening, for he deemed it his duty to give to those noble Lords who agreed with him an opportunity of testifying their opinions. But when they came to the vote he feared that they would find

this noble and learned Judge triumphing over some of the first principles of the Constitution, and—he was going to say, but he would not say it—some of the highest principles of religion.

Lord *Cottenham* said, that notwithstanding the insinuations of the right Rev. Prelate against his noble and learned Friend on the Woolsack, he was ready to offer himself as a participator in those penalties, whatever they might be, which the right Rev. Prelate vaguely hinted might be inflicted for asking Parliament to make this Bill the law of the land. He had attended, as no doubt all their Lordships had, to the speech of his noble and learned Friend on the Woolsack, and he asked now whether they had, after hearing the two right Rev. Prelates, the slightest doubt as to the propriety of making this Bill the law of the land. The right Rev. Prelates were peculiarly qualified, from their learning and station, to persuade the House of the propriety of the views which they entertained; but he confessed that, though he had heard a great deal from them, he had not heard either of them grapple with the real question—with the difficulties that existed, and that must exist if this Bill did not pass—and with the cruel injustice which must attach to large classes of the subjects of this realm if they were not protected in the enjoyment of the property of which they had been so long in possession, and which, if they were deprived of it, could not be transferred to the use of any other parties. The right Rev. Prelates had argued as if this was a question depending between the congregations now in possession and some others whom they had dispossessed. But this was altogether a fallacy. The references of the right Rev. Prelates to the law of trusts were also totally inapplicable to the question. The right Rev. Prelate who had just sat down said, that these parties were still, notwithstanding the Toleration Act, liable to be prosecuted for heresy; and in what courts, he would ask the right Rev. Prelate? [The Bishop of *Exeter*: In the Ecclesiastical Courts.] In those Diocesan Courts for the abolition of which a Bill was now passing through the other House of Parliament but which the right Rev. Prelate was so anxious to preserve. But would the Rev. Prelate venture to try? He hoped the other House would hear of the views of the right Rev. Prelate, and of the purposes to which he would apply these Courts, and it would, he had no doubt, be an additional reason with them for passing the Bill for their abolition as quickly as possible. Whatever might be the opinion entertained as to the original foundation, those congregations who had since subscribed funds for building and supporting their churches and chapels were in point of justice entitled to the disposition of their own property. He asked whether the right Rev. Prelates expected that any portion of the property vested in any of these congregations could be retained for the benefit of other congregations? He would also call attention to the statements of the several congregations, as contained in the forty-seven Petitions that had been presented to their Lordships. Some of them stated that they had been in possession of their property 100, 130, and some 150 years. They stated also the way in which it had been extended to the chapels and schools they had founded with it, and they asked their Lordships to protect them in the possession of what they had so long enjoyed, and to which no one else claimed any title. This was not a contest between the Trinitarian and the Unitarian, but between them and the Attorney-General, who told them they were not the parties who ought to enjoy this property. Then, who were the proper parties? In Lady Hewley's case, after the decision against those who held that property, it was referred to the Master to decide what trustees should be appointed, and a more difficult case was never submitted to the judgment of that officer. What was to be done? They took it from the Unitarians, and had to appoint other trustees. But these would die, of course, and who ever survived would get the majority, and so it would go to another class of Dissenters. So much was this the case that he was informed, with respect to this very property, that an entirely new suit had been commenced in Chancery by another set of Dissenters. Now, what had happened in Lady Hewley's case must happen in every other case. The effect could only be to transfer all the property of the Dissenting Congregations into the pockets of the lawyers. The Petitions before their Lordships stated some serious grievances, and all these had taken place, although nobody would be injured by securing the property to those who now held it. It seemed to him that the proposition of the Bill was merely to apply to this property and these Congregations those rules of property which were applicable to all other property and all other persons. It would be a hardship and injury to no one—it

would not interfere with the trusts declared—it would simply protect those Congregations in possession of that they had enjoyed, in many cases, for a much greater number of years than was required by the Bill. He trusted, therefore, their Lordships would not think it unjust to pass it, but, on the contrary, that they would perceive that if they refused to pass it, they would expose all these parties to the greatest possible inconvenience, loss, and misery, and, in his opinion, without the least occasion, either on the grounds of justice or expediency.

The Bishop of *Exeter* wished to explain. The noble and learned Lord had very seriously misrepresented him; for the noble and learned Lord had spoken of his having announced his intention to proceed against these parties for heresy in the Diocesan Courts, though he (the Bishop of Exeter) had said nothing to excuse such a representation of his intention. He would, however, tell the noble and learned Lord that he should be glad, if by any means it reached the other House, that he (the Bishop of Exeter) should rejoice if all power over the Dissenters from the Church, even in theory and strict law, as in practice, were taken from the Church on this one condition, that those who dissented from the Church should be prevented by law from persecuting the Church by claiming privileges which belonged only to Churchmen.

Lord *Campbell* supported the Bill as one which was intended to carry out correct principles, by affording that protection to the property of those congregations to which they were so justly entitled. He did not support the Bill from any love of any particular sect, but because he was anxious to protect those persons in the enjoyment of that property, on the common principles on which the law of prescription had been adopted in all civilized nations. The arguments which had been adduced against it might, with equal propriety be urged against all statutes of limitation. It had been urged as an objection to the Bill, that it was opposed to the law which was now in existence, but that was the very reason why the Bill was introduced—it was introduced because the existing law was defective in its operation. He trusted, therefore, that their Lordships would pass a Bill which was calculated to produce such very advantageous and beneficial effects. What would be the result of the rejection of that Bill? If those who were opposed in opinion upon religious doctrine persecuted those dissenters by not agreeing to the Bill, would that course have the effect of converting them from their opinions. If the law were left in its present defective state, it would produce injustice. As the right Rev. Prelates who were opposed to the Bill appeared inclined to divide on it, he thought it necessary to direct attention to the effect which the Bill was calculated to produce.

The Bishop of *London* said, he did not see that there would be any use in going to a division.

Lord *Campbell* felt that as one right rev. Prelate had left the House, and another had abandoned all opposition to the Bill, it would be unnecessary to occupy their Lordships' attention by any further observations in support of it.

Lord *Teynham* declared that the petitions which had been presented against the Bill expressed the general feeling of the Dissenters and Wesleyan Methodists. He admitted that the present state of the law required that something should be done; but what this Bill proposed would be an act of injustice. It had been alleged by some of the petitioners in favour of this Bill that they had, for a long period of time, been in possession of Chapels, and of property attached to them, upon which they had expended considerable sums of money for repairs and improvements, and they complained that it would, under these circumstances, be an act of injustice to deprive them of this property. But let it be borne in mind that these parties, during the time they had held possession, had been receiving the endowments, they had been enjoying the Chapels, without payment of rent, and they had also had the free use of the cemeteries. These things ought to be taken into account, and though in some particular cases, it might be just and equitable that something should be done with regard to individuals who possessed such vested interests, he thought that in the great majority of cases that the present holders of this description of property would have no just ground of complaint if they were deprived of possession. But their Lordships must also recollect that this property was held in trust, not for persons, not for Trinitarians, not for Unitarians, but for the diffusion of truth; and he called upon them to be cautious how they sanctioned the viola-

tion of such trusts. He entirely concurred with those who deemed the present Bill a measure of spoliation; and, entertaining a high regard for the character of their Lordships' House, and a desire to see it held in respect and reverence by all classes of the people, he deeply regretted that a large, respectable, and honoured portion of her Majesty's subjects should have had reason to apply such a term to a measure entertained by their Lordships. But it had been said that this Bill, if adopted, would have the effect of preventing litigation. He believed its effect would be precisely the reverse; for it would give rise to many difficult questions which it would be almost impossible to determine. Suppose this Bill became the law, what would be the duty of trustees of places of worship? It would become their duty to mark most carefully the opinions propounded by the Minister, to see whether they were in accordance with the terms of the Trust, and if their honest conviction was that he preached doctrines not in accordance with those for the propagation of which the Trust was established, it would be their duty to bring him before the Court. He regretted that an opportunity would not be afforded to-night of taking the sense of the House on this Bill, for he was prepared to give it his most firm and decided opposition.

Question put and original Motion carried without a division.

Bill passed through Committee, and the Report was ordered to be received on Thursday next.

House adjourned to Monday.

THE FOLLOWING PROTEST BY THE BISHOP OF EXETER WAS ENTERED AGAINST THE BILL.

Dissentient—1. Because usage has, with the best reason, never before been suffered to prevail against the purposes of a Charitable Trust, inasmuch as in such a case adverse usage is only a series of malversations of the trustees, and to give not only impunity but triumph to such proceedings, is to encourage by Act of Parliament the violation of all public Trusts, and the perversion of all charities.

2. Because the Bill in its main provision proceeds on the principle of disregarding the intentions of the founders of the Charities in question. It is only in cases where these intentions can be ascertained that the measure will have any effect. For in other cases, where the intention cannot be ascertained, usage would of course prevail, and so the Bill must be altogether nugatory, except to defeat the ascertained intention of founders.

3. Because the distinction drawn between those cases in which the particular purposes of the Trust are declared in express terms, and others in which, being ambiguous, they can be ascertained by the aid of external evidence, is contrary to the principle which has been declared by the present Lord Chancellor not only to be "uniformly acted upon in our Courts of Equity," but also to be "founded in common sense and common justice." To introduce an opposite rule, and apply it to existing Trusts, is to make an *ex post facto* law, subverting the rights of the proper beneficiaries, as well as violating the intentions of founders.

4. Because the alleged grievance may be redressed by a much less extensive enactment. If there be any meeting-houses which can be shown to have been founded for religious worship not tolerated by law at the time of their foundation, but which have since been admitted to toleration, and if it be deemed right to quiet the titles of the possessors of such meeting-houses, it cannot be difficult to devise a measure which shall secure that object, without violating principles which have hitherto been deemed inviolable.

5. Because the alleged reason for this measure, (a wish to prevent litigation), ill accords with the provision for effecting it. "The usage of the congregation frequenting the meeting-house" during — years, is to "be taken as conclusive evidence of the religious doctrines or opinions for the preaching or promotion of which such meeting-house was founded." Yet of all conceivable incitements to litigation, none more stimulating can be devised than the uncertainty of such usage, and the facility of shaking the proof of it.

Neither can such a provision be satisfactory to those who demand an alteration of the present state of the law: for, to fix the religious doctrines to be taught in such meeting-houses by the usage of years past, which is, in effect mere tradition—the tradition of a brief number of years, and the authority, it may be, of a single preacher—is not only unreasonable in itself, but contradicts the principle claimed by a large portion of the petitioners, that they shall use their meeting-houses according to the free exercise of their private judgment, and the right of free inquiry in all matters of religion, unshackled by any rule of faith or worship.

It is, moreover, irreconcileable with the allegations of fact set forth by the soberest advocates of the measure, that "in such bodies as Dissenting congregations, with no effective Church Government, and no power to lay down binding rules of faith, fluctuations of doctrinal opinion in long periods of years are in the nature of things unavoidable."

"6. Because this measure, thus contrary to the established principles of law and equity, is notoriously introduced to quiet the titles of parties who have usurped meeting-houses built for the worship of the true God, and have perverted them to an use which their founders

could not but have deprecated as profane and impious.

7. Because in avowed favour to a class of persons who deny the Deity of our Lord and Saviour Jesus Christ, a construction is by implication put on the 53rd George III., c. 160, which that statute never received in a Court of Justice, and which is contrary both to high legal authorities and to the known intention of at least one of the two Houses of Parliament, which passed it—namely, that "to deny any one of the persons of the Holy Trinity to be God," being "unlawful prior to the passing of that Act," was thereby "made to be no longer unlawful." Whereas the statute 9 and 10 William III. c. 32, the provisions of which were then in part repealed—a statute enacted at a time when Lord Somers, the most ardent and enlightened advocate of true and just toleration, was Lord High Chancellor of England—did not constitute but solemnly recognize the previous criminality of such a denial. It is an Act, entitled, "An Act for the more effectual Suppression of Blasphemy and Profaneness." Its preamble characterizes the opinions against which it is directed, as "blasphemous and impious opinions, contrary to the doctrines and principles of the Christian religion, greatly tending to the dishonour of Almighty God, and which may prove destructive to the peace and welfare of this kingdom." It proceeds to enact, that "for the more effectual suppressing of the said detestable crimes (thus manifestly implying that they were before, and if that Act had never passed unlawful), whosoever having made profession of the Christian religion within this realm, shall by writing, printing, teaching, or advised speaking, deny any one of the persons of the Holy Trinity to be God," &c., shall incur certain heavy penalties which have been subsequently repealed.

8. Because, even if with all statutory penalties, all liability to indictment was removed by the 53rd of George III., c. 150, yet the denial in question is notoriously a heresy of the gravest and most malignant character, and as such, is contrary to the common ecclesiastical law, which, according to every authority which can be cited, is as truly a part of the law of the land, as the common temporal or statute law.

9. And, lastly, because the violation of such principles for such an object can hardly fail to excite in the people an apprehension of the readiness of the Legislature to sacrifice the most approved rules of law, and the most sacred interests of religious truth, to a temporary and fancied expediency. It not only wounds the conscience and outrages the feelings of those who adhere to the true faith as it has in all ages been held by the law of evey one of the three realms comprised in this United Kingdom and Empire, but it also contradicts the fundamental and hitherto unquestioned principle, that the Christian religion is the basis of the law of England; for this Christian religion is declared in the Act of Toleration itself to be the faith of the Holy Trinity. That Act, in substituting a declaration in lieu of oaths to those who scruple the use of oaths, requires them to "subscribe a profession of their Christian belief in these words—'I, A. B., profess faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the Holy Spirit, one God, blessed for evermore." EXETER.

HOUSE OF COMMONS,

Friday, May 3, 1844.

MINUTES.] BILLS. *Public.*—1°. Edinburgh Agreement. *Reported.*—Ecclesiastical Courts.

Private. — *Reported.* — European Life Insurance and Annuity Company; Manchester Police; Leeds New Gas; Maryport and Carlisle Railway; Leeds and Bradford Railway (re-committed); London Gas.

3°. and passed: — Newcastle and Darlington Junction Railway, and Tyne Bridge; Pontop and South Shields Railway; Leeds and Selby Railway Purchase (No. 2); Thetford Inclosure and Drainage.

PETITIONS PRESENTED. By Mr. Bateson, from Londonderry, against Dissenters' Chapels Bill. — By Mr. Cripp, from Deaneries of Cirencester, and Fairford, by Mr. Vivian, from Swansea, and by Colonel Wyndham, from Storrington, against Ecclesiastical Courts Bill. — By Mr. Bateson (14 Petitions), Dr. Boyd (7 Petitions), Lord Claud Hamilton (12 Petitions), and by other hon. Members, for Legalizing Presbyterian Marriages.—By Colonel Wood, from Haynes, against any further Grant to Maynooth.—By Mr. Antrobus, from Surrey (4), and by other hon. Members, against Union of Sees of St. Asaph and Bangor. — By Lord Norreys, from Rev. G. W. Jordan, for Prevention of Simony. — By Mr. E. Ellice, from Cupar, for Abolition of Tests (Scotch Universities).—By Colonel Wood, from London, Enfield, and Uxbridge, against Tax on Coals for Metropolitan Improvements.—By Mr. Codrington, from Gloucester, and by Mr. O. Duncombe, from Yorkshire (N. R.), against Repeal of Corn Laws. — By Mr. Henley, from Oxon, for Repeal of Stamp Duty on Hailstorm Insurances. — By Mr. Hume, from an Association in Holborn, for Extension of Scientific Societies Act. — By Mr. Hume, from Devizes, for Reduction of Tobacco Duties. — By Mr. T. Duncombe, from Waltham, by Lord Henniker, from Suffolk, and by Mr. Hume, from Montrose, against Commons Inclosure Bill.—By Mr. C. Wood, from Halifax, against County Courts Bill; and by Mr. Antrobus, from Sandwich, in favour of same.—By Mr. C. Wood, from Halifax, against Limiting Hours of Labour (Factories Bill); and by Mr. Ainsworth, and several hon. Members (21 Petitions), in favour of same.—From J. G. Shuttleworth, for Inquiry into Hydraulic Power.—From Ilchester, for Abolition of their Corporation. — From St. Michael, Cwmdu, for Establishment of Local Courts.—By Sir T. Acland, from Honiton (2), respecting the Poor Law.—By Mr. Pendarves, from Breage, and by Mr. Sotheron, from Devizes, for Alteration of Poor Law.—By Sir P. Egerton, from Leftwich, and from Uffingham, and Radford, against Exempting Workhouses from Parochial Charges.—By Mr. More O'Ferrall, from Edenderry, for Enquiry (Poor Laws).—By Mr. Strutt, from Derby, for Stamped Postage Paper.—By Mr. E. Ellice, from St. Andrew's, and Earlsferry, and by Sir R. Fergusson, from Kirkaldy, against Prisons (Scotland) Bill.—From Wilton Gaol, complaining of Provisions.

OBSOLETE CRIMINAL LAWS.] Mr. *Watson* wished to know if it was in contemplation by the Government to introduce a Measure, or otherwise take means

to carry into effect the suggestion of the Criminal Law Commissioners in regard to Statutes that had become obsolete.

Sir *J. Graham* said, that the hon. and learned Gentleman having some weeks ago given him notice of his intention to put the question, he (Sir J. Graham) had turned his attention to the subject. The Criminal Law Commissioners had not recommended the repeal of the Statutes, but it was quite true that some of the Acts passed in the reigns of Elizabeth and James I. had fallen into disuse, and might be considered as obsolete, and in effect were so. It was the intention of the Government to direct the attention of the Law Officers of the Crown to the revision of these Statutes.

MASTERS AND SERVANTS—AGRICULTURAL LABOURERS.] Mr. *T. Duncombe* said, he had received a communication, complaining of some observations which had fallen from him in the course of the debate on the Masters and Servants Bill, and which he was quite happy to explain. On that occasion he quoted a passage from a charge delivered by Sir Augustus Henniker to the Grand Jury of the Suffolk Quarter Sessions, and he added that the Measure introduced by the right hon. Baronet opposite (Sir J. Graham) was calculated not to remove, but rather to aggravate that discontent. Of this quotation Sir Augustus Henniker seemed to complain, and had written to him the following letter:—

"*University Club, Pall Mall East, Thursday, May* 2, 1844.

"Sir—It is reported in the *Morning Chronicle* of this morning, that in the debate in the House of Commons last evening, on the Masters and Servants Bill, you made the following observation;—'What said Sir Augustus Henniker, as Chairman of the Quarter Sessions for the County of Suffolk, a short time ago? He declared, that he did not believe that the whole metropolitan police could put down incendiarism in that County, there was so much discontent and suffering prevailing among the labouring population.'"

He (Mr. Duncombe) believed that in substance that was a correct report of what he did say. The writer went on to say:—

"The sentiments and opinions of an humble individual like myself, I am fully sensible, can be of very little moment to the public, but you will permit me to state, that the part of the charge at the Ipswich Quarter Sessions, to which you have done me the honour to allude, had reference only to the activity and efficiency of the police; and to show that it was unreasonable to expect they could by their utmost exertions prevent acts of incendiarism, which could be perpetrated with such facility, nor 'could the whole metropolitan police force be sufficient without an officer was stationed in every homestead.' This was the purport of my remarks, and which did not refer to the supposed state of discontent and suffering among the labouring classes in the County of Suffolk, nor to the cause of the prevalence of incendiarism, as the report of your speech would seem to imply. I feel, confident, therefore, you will do me the favour to correct this—no doubt—unintentional error.

"And I have the honour to be, Sir, your most obedient servant,

AUG. B. HENNIKER.

"To Thomas Slingsby Duncombe, Esq., M.P."

On referring to a speech from which he quoted, and from which he drew the inference he had stated to the House, he found that Sir Augustus Henniker addressed the Jury in the following terms:—

"Gentlemen, we cannot close our eyes to the fact that there exists, unhappily, not only in our own county, but in other districts also, a wide-spread spirit of discontent—a discontent which manifests itself in the wanton destruction of property—I allude to those frequent acts of incendiarism which are calculated to bring discredit and disgrace upon the national character, whilst they bring ruin upon the owners of agricultural property. This, indeed, is a frightful state of things. The owners are, for the most part, insured, and are, therefore, absolved from loss; but, inasmuch as husbandry operations are suspended by the destruction of the farmers' premises and implements, the labourer must, for a time at least, be thrown out of employment, and his family, in consequence, be deprived of their ordinary means of subsistence. The question has been asked, how is it that the rural police have not been able to prevent the commission of incendiarism — why the perpetrators are not apprehended? If you had the whole metropolitan force sent down into even one division of the county—if you were enabled to allot a constable to watch each separate homestead—I think that would not ensure detection. If then the crime be so mysteriously planned, and so easily executed, as to baffle the most unceasing vigilance, it is imperatively necessary that we set ourselves to inquire into the cause of an effect which we all deplore and deprecate. I say that we have no right to throw the blame on the Local Constabulary. In my opinion, the only efficient protection for agricultural property—the only rational hope that exists of restoring the country to a wholesome state, and of ensuring permanent tranquillity, is to be obtained by securing to the labourer constant employment

together with the payment of more liberal wages. I think that you will agree with me that there is no other mode so well calculated to prevent the recurrence of those frightful evils to which I have alluded. We are bound to mete out to the offender the fullest measure of punishment; but if we hope to preserve order and protect property, we should endeavour to take away all pretence for complaint on the part of the labourer. It is said that, as agriculturists, the soil will amply repay those who properly cultivate it. If that be true, I do not seek to controvert the proposition—it should operate only as an additional incentive to carry out every improvement, which, while increasing the productiveness of land, must afford more constant demand for labour, together with more liberal wages. But, independent of all pecuniary consideration, we shall have a far higher reward in the gratitude of the honest and well-disposed labourer, who returns kindness and consideration a hundred fold to those who compassionate his condition and seek to alleviate his suffering. To do this we must, I grant, make some sacrifice, but it would be accompanied by a satisfaction which cannot but be pleasing to us as men and Christians. This is a debt of justice to the labourers—it is a debt of mercy, which is 'twice blessed; it helpeth him that gives and him that takes.'"

He, (Mr. Duncombe) could only say, that he was quite ready to express his regret, if he had been unintentionally guilty of any misrepresentation of this charge; but it really appeared to him that the only fault he had committed was in not having stated in sufficiently strong terms, the charge which Sir Augustus Henniker delivered to the Jury on that occasion.

HOURS OF LABOUR IN FACTORIES.] Sir *J. Graham* moved for the Order of the Day for the House to go into Committee on the Factories Bill.

Mr. *Roebuck*: I believe I am now in order in proposing to Move—

The hon. Gentleman was stopped by the Speaker, and the Order of the Day was read.

Sir *J. Graham* moved that the Speaker do now leave the Chair.

Mr. *Roebuck* said, I believe I am at length in order in moving for a Resolution of the whole House before going into Committee on the Factories Bill

"That it is the opinion of this House that no interference with the power of adult labourers in Factories to make contracts respecting the hours for which they shall be employed be sanctioned by this House."

To this line of conduct it has been objected to me that I ought to move this Resolution in Committee; but in my opinion, great advantage will result from moving this Resolution before going into Committee. The reason is, that I wish to know the principle upon which the Bill is brought into the House by the right hon. Baronet opposite. I think, as far as I am able to infer from what I have seen (for I have not been engaged in discussing this subject)—I think that the right hon. Baronet and the other persons reasoning on the Bill have alternated, if I may use the word, between various principles; that at one time they have been enlisted in support of the doctrines of non-interference with labour, and that at another time these have been entirely disregarded, and arguments have been drawn by them from the necessity of interfering with the power of labour in manufactories. I am anxious to learn the principles upon which the right hon. Baronet builds his propositions. And first, I will address myself to the general principle of interference with labour. I wish to deprive the right hon. Baronet of the power of having two ways to support the Bill; of applying any one of these ways, when it is a matter of right in the labouring classes to have the power of contracting for their own labour. I mean to throw the onus upon the right hon. Baronet of taking the power of contracting from the manufacturing labourer—of interfering between him and his power of contracting for himself, and of making a general rule for this object. This shall be my first object. I shall then address myself to the noble Lord opposite (Lord Ashley,) and throw upon him the onus to show the advantages of legislating in a manner which he contemplates for the working classes. Therefore in this case there are two antagonists whom I wish to grapple with, and reduce to their proper position, so that they may not draw weapons from any armoury not legitimately theirs. Before, however, I enter on this discussion, I wish to relieve myself from an imputation—an odium which is usually and gratuitously cast upon me and the persons who hold the same propositions as I do—that of inhumanity, disregard for the people, of unnatural selfishness, of cold-heartedness, of hard-heartedness, nay even to the accusation of being cold-blooded besides. I do not know what is meant by the last epithet; but I should suppose, if it was cast on me, that it con-

veyed an imputation that I was regardless of the misery of the working men of the country. As far as I am myself concerned. I sympathize so much with the working classes that I can only be satisfied with seeing them invested with the power of governing themselves. The professing friends of the working classes would not go so far as this, they could not expect it from the gratuitous humanity of the noble lord (Lord Ashley), or from any of the representatives of his opinions; and before you pretend to be the friends of the working classes, you must give them the power to speak for themselves—you must give them the power to legislate for themselves. When they have that power, when they speak as Legislators in this House, when I find hon. Gentlemen supporting their power, then I will believe that there is some real sympathy for their sufferings. Now to my proposition. I take it as a general rule, the result of experience, that the labouring man has the greatest interest forming a wise contract for himself. He certainly has the greatest interest at least. My next proposition is, that he has the best knowledge of his own circumstances, and that no general rule could be framed to meet all the exigencies of his case so well as his own strong and excited interests, and his strongly inclined views of his wants and his necessities. Experience has shown that we ought not in any manner to interfere with private rights where private interests were strong and armed with a peculiar knowledge, and where the parties were best calculated to think for themselves on any question. That is the general principle. If any interference took place a reason should be shown. The *onus* lies on those who come to the conclusion that interference is necessary to show what the circumstances are which justify that interference. First, then, I hold it clear that where parties have strong interests and peculiar knowledge it is incumbent on those who interfere with that peculiar knowledge and interest to show the greater knowledge and greater interest, or greater power of judging, which they possess. I will now place before the House my position distinctly,—that they ought not to interfere with the power of persons to contract. First, then, the noble Lord (Lord Ashley) says, that there are a peculiar class of men in the country—the factory labourers, who have peculiar interests, and are altogether in a condition which calls for legislative interference. The noble Lord says, that that peculiar condition arises from overwork and under-pay, and thereupon he gathers together a huge heap—an indigested mass, and flings it at the House, evidence which he thinks shows great misery and immorality, and degradation in the factories. These are the noble Lord's premises. Having laid a foundation and attached to him the sympathies of Members, the next step taken by the noble Lord is a remarkable one. He says that he had shown the existence of great misery from overwork and under-pay, and he now begged to propose the remedy, and every man who did not support him in his proposition was careless of the interests of the labouring classes, an alien to humanity, and ought to be branded as an enemy to his kind. Now, there is this remarkable fact as to the noble Lord's argument—that there is between his premises and his conclusions no connexion whatever. It is not enough to show that there is an evil. Having made out the evil, having established its existence, it must be shown by the noble Lord that the measure proposed by him is a remedy. However anxious you may be to alleviate the distress, you may be a bad physician, or you may be an ignorant one, and what you propose, instead of relieving, may increase the distress which he describes; and so far from ameliorating a single misfortune, may draw down the curses of those whom you legislate for. This, I think, describes the position of the noble Lord. He has been misled by his sympathies, and has come down to the House with a heap of evidence to show that great misery exists in a particular class of labourers. Now, it is very easy for a ranting demagogue to push himself as a sort of wandering instrument through the country, disseminating as he goes ignorance and ill-feeling. This is very easy. It is assumed by the most vulgar and most ignorant of mankind. That is an object easy of attainment. But what the House requires is something beyond that ignorance—something beyond that blustering weakness—something beyond that cowardly following out of opinion, which in the House dare not be maintained. All that is easy. But what the House requires is, not only to prove the evil but also to show the efficacy of the remedy, that the House may not be accused as being the cause of evils which clearly arise

from the circumstances of our condition as human beings, and that there should not be applied to any class of people in the kingdom the odium of what arises from the common necessities of our nature. I have said, that that class of mind which seeks to obtain popularity is among the least and vulgarist which degrade humanity, and which, though in a time of excitement it may meet with some transient favour from the House, yet when the House returns to its senses, I hope it will, as it ought to do, abandon such a mind, and declare its assertions to be a calumny and a falsehood. I want to know what was the first step which had to be taken by the noble Lord. The first step to be taken by him was to show that the factory labourer was in a peculiar position, that he was in a position which distinguished him, that there was that which attached to him incidents peculiar in the history of the labourer, and which enabled the legislative body to interfere on his behalf. Now, I want to know what the peculiar characteristics of the factory labourer are. In the first place, I find that the factory labourer is as well paid as any other in the community. [" *Hear, hear.*"] You say " Hear," but I say that at least the factory labourer is better paid than any other kind of operative in the community. Then, I find that the factory labourer is not subject to greater toil than the rest of the community; and I would beg the House to remark, that it is not enough to get an unconnected mass of evidence on this point; for, if I chose to turn the weapons of the noble Lord against himself, I could draw from it such a mass of proofs of all sorts of misery in every species of labour throughout the country. I take one case now in this town,—and let not the House take it as a matter of merriment when I mention the class of labourers, for I do so in the belief that they are a more sorely taxed class of labourers than any other in the community,—I mean the women of all work in London. Compare them with the labouring girl in the factories, and you will find that the condition of the latter is a sort of Paradise. Contrast, also, the labouring man in the factories with those engaged in agriculture in the fields. Those who work in factories are warm, covered, and sheltered from the inclemencies of the season; they have good food and good pay, and are far healthier beings than the agricultural labourer, exposed to cold, wet, and frost, with bad pay, bad clothing, and bad lodging. Now, I think it quite a remarkable instance upon this particular point that the factory labourer has better pay, less toil, better clothing, and better lodging; and now, what is there to distinguish the factory men in such a way as to require a legislative interference on their behalf? I find that there are two circumstances which distinguish their condition. I find that they are congregated into masses which invite investigation, which insure inspection, and which bring their condition continually before the public, which is ready to investigate their position. They do not live, like the agriculturist, far distant from the gaze of local superintendance, which might bring their misery and toil before the world, which would bring down indignation upon the masters, and make their agricultural tyrants tremble. Such is not the condition of the factory labourer. His condition is to be congregated into multitudes, which multitudes make a force of themselves which invites attention from the very fact of their being so congregated into masses, which covers with an ægis of protection from the mere fact of being thus exposed to the public gaze. That I find to be the first characteristic of the factory labourers' condition, and there follows, as a consequence from this, the present meddling with their condition. The factory labourer works in conjunction with machinery also, which, being put into fair and ordinary English, means this—that the machinery does all the hard work, and that only mental labour is required of the workman. It will not do for the noble Lord to say, that as machinery improves, the labour of the operative is increased. I deny that position. In every process, as machinery advances, its peculiarity is to supply the place of the human mind; it does what in human ingenuity, and *à priori* two centuries ago, if any one had anticipated, he would have been conceived a dreamer—it relieves the labour of the operative, and reduces him, in fact, to be a mere superintendant of certain almost superhuman powers. I want, therefore, some specific proof that any improvement in machinery increases the labour of those who superintend it. I make this proposition. I put it forward without any doubt of its accuracy. I invite every man who knows, or who wishes to know,

anything of the matter, to test it; and I assert this, that every advance in the improvement of machinery lessens human labour in time and in intensity. Now, then, I have found two peculiarities attaching to factory labourers—the one that they are congregated into masses, and the other that they work in conjunction with machinery. I can find no other; and if the general rule be accurate that they who have the most interest, and the greatest amount of knowledge to judge of their own affairs, ought to make contracts for themselves, I ask the noble Lord, how it comes that these two elements entering into the composition of this proposition should render it a ground for him to interfere in this case, when he will not interfere in the case of the agricultural labourer? That is a point I want to clear up. It won't do to come down to this House with exaggerated descriptions of misery, of want, and of suffering. I deny them all. ["*Oh, oh.*"] "Oh, oh," said the hon. Member for Pontefract; I want to know if that hon. Gentleman has investigated the case. It is very easy to make propositions, pretty in sound, and with jingling syllables; but I want knowledge before I legislate. This being the condition of the persons for whom the House is about to legislate, I will not trouble the House with a mass of evidence. Indeed, I ought to apologize to the House for having already spoken at such length upon the matter. I stated broadly, and I call upon the noble Lord to deny it, that the Factory Commission of 1833 declared that the condition of the factory population of the country was superior to any other part of the labouring population. I know, that individual cases can be picked out here and there of suffering, and far be it from me to cast the slightest levity into the tone in which human misfortune is discussed. I feel for the misery of the factory labourer as much as that of the agricultural labourer, and I will by-and-by argue that subject with the noble Lord. What I say is this, it is easy to bring forward instances of deformity, but the noble Lord must make out that these are the consequences of the system, and besides making out that they are the consequences of the system, he must show that by legislative enactment these consequences may be relieved. Have not the Factory Commissioners of 1833 declared distinctly and clearly that the labourers of the manufacturing population were better off in every particular than any other class of labourers in the country? As I have already said, they are better paid, better clad, and better lodged; and I now come to that which I know will be said to be the *ad captandum* argument on this occasion. "What," says the noble Lord, "have you such little regard for woman as to wish that she should be taken from those labours which are her peculiar sphere, which make her the solace of our lives, the instrument of our early education, and which, in fact, form her to be the framer of the mind of man? Are you to take her into the factory to destroy her vital powers, to make her a mere machine, to unfit her to raise her race in effect,—are you willing to degrade the human race by making their mothers miserable beings?" My answer is, first and foremost,—is the labouring woman in the factory worse off than she would be if she were not in the factory? Judging of her situation as an agricultural labourer, I should think that her situation is far better. I have this peculiar evidence in her favour—that all the medical men who investigated the subject in 1833 declared that the labouring woman is far better able to cope with the labour in factories than the man, and I can easily understand why. It is in-door work, warm and comfortable, and all that is required is continuous attention. It is their characteristic that they can give this continuous attention without hurting their health. A man feels all this when he is so tasked. Without one exception, medical men declare that women in factories bear the factory labour best—that it is suitable to their condition—to their habits—and to their physical and physiological development. I do not recollect any statement of theirs about hard labour, and so far from thinking that women are deteriorated thereby, the physicians were of opinion that they were a far better race for the propagation of the species than any other class of labourers. I have stated my opinions on this matter without circumlocution, as to language; and now, Sir, as to the men. Are the men worse off in any way in factories than the labourers in other businesses? I have shown already that they are better paid, better fed, and better clothed; and I now come to ask if there is anything peculiar in their condition as regards the masters, which requires the interference of

the Legislature? It is said that the master has privileges with regard to factories which the agriculturist does not possess. So far from it, that instants regulate wages in Factories the same way as in every other case, with this difference, that it takes place there with more rapidity from the numbers that act together, and the unity of sentiment by which they are actuated. If there is a demand for labour, labour will get its reward, but if otherwise, unfair combinations are formed, not in the country, but always in the manufacturing districts. This shows that factory labour is better than agricultural; the latter dare not combine lest they should be crushed in an instant. Factory labourers have the power which the other labourers have not, and they require no assistance. And now, Sir, I come to the proposition of the noble Lord for the relief of this class. Let us allow that the noble Lord had made out his case; let us allow that he has established that they are worse fed, worse paid, and worse clothed; in short that they are more miserable than any other class of labourers in the Kingdom. And now let us put the proposition of the noble Lord in form, and understand what it is. First, the noble Lord says, that the factory labourer is over-worked, and then, that he is underpaid; this he meets by a ten hours Bill. The noble Lord says, confine the period of labour to ten hours. I do so—and then see what is the effect. It is clear that the noble Lord is quite right, if the labourers in Factories are over-worked. The labourer has come forward and brought his labour to the labour market, to obtain for it what price he can get, that is, the highest price which it is the interest of the manufacturer to give him. I know that there is an objection to dwell upon the name of the manufacturing capitalist. I may be permitted to say that I have seen in this House a feeling of antipathy to the manufacturing capitalist. If I were asked why, if I had to define the feeling to which I point, it might be difficult to find an answer; but if I look abroad to the interest of the community — if I ask who lifted this country from the abyss of destruction in the wars with Napoleon—if I ask who enabled us to fight the fight of nations, my answer is—the manufacturing capitalists of the country—the manufacturing knowledge, ingenuity, and power, which has made England what she is among the nations; and however disagreeable it may appear to the agricultural nobles, and to the ignorant country gentlemen, it was the manufacturer who applied his mind to business, and who carried with him the manliness to do so—while our aristocracy were spending their lives in the fox-chase, who formed the grandeur of the country. It is the power of this community which elevates us over every other country on the face of the earth. These mere Nimrods had learned that they were men unsuited to be governors of the world: not only did they make our country known and respected in Europe but over the whole world. Our ships floated on every sea, our flag was upon every wave; and this was done by—the agricultural aristocracy? No, but by the manufacturing capitalist. And how can you condemn them as enemies of humanity, as curses to the community, when they have made us what we are—the first country upon the face of the earth—which we seek as a speck upon the map, but which in influence is capable of overpowering the whole world. I ask, when all this has been done by the people,—I ask the House if it is prepared in the mere wantonness of party spirit in the one case, and of discontent in the other,—I ask if it will, under such an impulse of feeling, interfere with all that has made us so great in the world? I have no hesitation in saying, that the late majority, made up as it was, did no honour to the House; and I ask the noble Lord opposite, if I do not rightly describe the impulse which led him to the course which he has pursued. I ask, how many votes were given upon that side of the House in consequence of the hon. Member for Stockport going into the agricultural parts of the country? Hon. Gentlemen opposite reason thus—"The manufacturers have troubled us in our dominions; we will put a torch to their factories." I want this to be answered. I want to know how many votes were given in the expectation of putting the right hon. Baronet opposite in a difficult position? All of a sudden a new light broke in upon those who conducted the affair, supporting upon the shoulders all the weight of the mighty inquiry, like so many Atlases. I want to know what new light it was, that thus broke in upon them? for it doth behove them to show some new circumstance, of which during their long political existence they had no knowledge, but of which

they have suddenly become aware. It behoves them to show that they were enabled by this sudden inspiration—this peculiar and almost divine light—at once to discover that during their whole past lives they had been wrong; and that, though they had been some twelve years in office, they had been acting under the dark cloud of ignorance during all that time. I must confess, that on this occasion I am peculiarly sceptical, inasmuch as I find their interest is actually fitted and dovetailed to the peculiar circumstances of the time. An opportunity offered for creating a division, and it was seized upon. I do not deny that there are those who really believe the interference of the Legislature would be beneficial. I am not quarrelling with such parties, but I do quarrel with those who have been actuated by the base motive of throwing a torch into their enemy's camp, whether it may come from the agriculturists on the other side, or the *ex officios* on this. Now, Sir, I want to know what is to be the effect of the noble Lord's panacea. His object is to prevent the labourer from working more than ten hours a day, but what would be the consequence of that restriction? It would be this:—The immediate and inevitable consequences would be the lowering of wages throughout the land. ["No."] When Gentlemen cry "No," I should be glad to hear them prove their "No," and if they do so, there is no one will be more ready to admit my error than I shall. But let us see whether I am not justified in what I allege. The number of labourers will remain the same. The demand for work will be same. But each individual labourer will be deprived of a certain portion of his power. He will be in reality a less efficient labourer. Therefore, when he comes into the market to apply for employment, he does so as a person who, being less efficient, can ask only for less wages. Let us see how this proposition can be borne out. Take a manufacturer; he has a large portion of his capital expended in his machinery and his mill. They are the larger portion of his producing power, and the smaller portion is the manual labour. The labourer who produces that labour works, let us say, for twelve hours a-day, and in that time he performs a certain quantity. Let him work for but ten hours, and it is clear he must produce a less amount. But the capital in the machinery and the mill remains the same, and therefore, the fixed capital, if I may so term it, continues unaltered; while the floating capital that is employed in the shape of wages becomes smaller. The whole produce of both species of capital must be less than before, and therefore some one of these three things must inevitably be the result,—either prices must rise, or the profits of stock must fall, or else wages must fall. With respect to the first, I say, it is impossible that prices can rise above what they are at present, for recollect we have foreign competition on every side. At the present moment it is as much as our manufacturers can possibly do to maintain their footing in the foreign market, and a turn in the scale would have the effect of driving them out of half the countries to which they now export their goods. ["No, no!"] The Gentlemen who cry, "No, no," will, I hope, explain by-and-by their reason for saying so. If the hon. Gentleman opposite, who cries "No, no," has changed his opinions ten times over, I think it is hard that he can have been at all times right; and he has changed them often. It is very curious that there is a class of persons who claim infallibility for themselves, and who are yet the most changeable people in the world. They are always infallible, notwithstanding their constant changes; and it never suggests itself to them that they must have been some time or other wrong. But, as I was saying, it is impossible that prices could rise while the competition of foreigners remains what it is. There are the United States of America—there is Germany—there is Switzerland—there is France—I will go no further—all anxious to drive us from the market. I want to know how hon. Gentlemen can pretend to expect that prices can rise at this moment when there is not a manufacturer in the country who does not know that within the last ten years there is no portion of the globe in which our manufactures have not been losing ground. And he will in every case tell you that a turn of the scale would drive him from the market altogether. This applies too to those peculiar articles of trade in which England is supposed to be most supreme and perfect. At this moment a turn of the die will drive even them out of the foreign market. Take America. Very quickly you will find the United States competing with you all over the world—for remark, they have a saga-

cious population, who have a peculiar knowledge of the powers of machinery, and by whom almost all the great changes and improvements that have been made in machinery during the last thirty years have been invented. They are constantly making out new modes for substituting the power of machinery for that of manual labour, and depend upon it, if you proceed further in the spirit of meddling with our manufacturing interests, in which you are now indulging, you will find America side by side with you every where, as she now is in many parts of the globe, and then you may come home to your famished labourer, and tell him that you have no more work for him. Well, then, if prices will not rise, perhaps profits may fall. I would appeal to any man who sees the manner in which capital is employed at present, to believe that to be possible. I would appeal to any man who looks even to the last operation of the Chancellor of the Exchequer, to say whether profits can become lower. It may be a fine thing to an old country gentleman to say, "Consols are at par, and I will drink another glass of wine;" but does not the very fact of their being at par show that so small is the return for capital, that it is regarded as an advantage to expend it even in 3 per cent. stock. Go to America, and ask what 3 per cent. stock can be found there. [*Laughter.*] That laugh is a proof how sensitive we have become at the loss of our capital. It shows that we are sensitive of the fact that in America the return to capital is great—and that we are overwhelmed with the recollection that they have cheated us out of a certain sum by an act for which I hold them to be as despicable as can any person in this House. But that is not the question before us. The question is, whether in this country the return to capital is not exceedingly small, whether the trifling nature of its extent is not evident from the high rate at which stock now stands in the market—by even the very fact of our being willing to lend our money on such securities as that to which I have just been alluding, and by the singular fact, that there is no adventure so extravagant but that we will venture to advance our money upon it. What is it makes us do this? Why, the circumstance that the return which we get for our capital, is so small, that there is no venture which we will not make, and no danger, however great, which we will not face in the hope of getting something like profit for our money. The conclusion to be drawn from all this is, that the profits derived from capital employed in manufactures is at this moment at the lowest possible rate, and that we cannot reduce it lower and expect that the manufacturer will have any return whatever. His means of employing labour is also so much reduced, that each succeeding year will exhibit a less number of operatives employed. Instead of being a thriving manufacturer, constantly extending his operations and increasing his hands, he will be gradually contracting his work, because you have forced him into a position from which it is impossible he can advance. Well, if the profits from capital cannot fall, and if the prices of our manufactured goods cannot be expected to rise, the only other alternative is, that the wages paid to the labourer must fall; that he who is unable to protect himself, and whom you cannot protect by your Ten Hours Bill—the manufacturing labourer, will be forced side by side with his starving competitors, to consent to take less for his ten hours labour. Yes, it is he whom you are now deceiving, by telling him, that he will get as much wages for his ten hours labour as he now gets for twelve hours. But let us not deceive him, for on him must inevitably fall the heavy weight of the noble Lord's humanity. On him will fall the consequences of your ignorance. Numerous as is the body to which he belongs, every day's want will frighten him into demanding employment; but the capitalist will say to him, as he says now, "Your labour is worth so much, and no more; that you must take, or you will get nothing." It is an important but a most awful conclusion, and I now address myself to the right hon. Baronet, the Secretary of State for the Home Department. I ask him why will he meddle with such measures? I have much respect for the right hon. Gentleman, if he will permit me to state so, but I ask him why he unfortunately meddles with what it must be clear to his sagacious mind, that the consequences which I have been depicting, are the necessary results that must follow? I ask him what good he can expect to obtain in this perilous struggle for the existence of our manufactures? I have carefully abstained from any remark on the labour of chil-

dren, as that depends on totally different circumstances. They are not capable of judging for themselves, and are subject to the power of others; but I am here to learn, that the man who has power over his own affairs, and the woman who has control over the matters in which she engages, are to be controlled, without cause, by restrictive laws. Why, I ask you, will you interfere in concerns in which the labourers can best judge for themselves, and by a crude and restrictive Legislation, attempt to make laws respecting matters with regard to which individuals and private interests can best form an opinion? I have made these remarks without any feeling of hostility towards the right hon. Gentleman; but I would entreat of him, before he ventures again on this dangerous ground, to consider well the principles and interests that are involved — to pause before he hops between two openings, and to reflect long and calmly before he throws overboard the doctrine of non-interference. With these remarks I beg to submit to the House the proposition with which I commenced, and which is this,—

"That it is the opinion of this House that no interference with the power of adult labourers in factories, to make contracts respecting the hours for which they shall be employed, be sanctioned by this House."

Sir *J. Graham* was unwilling that the House should proceed to a division on this question before he had made some few observations on the speech of the hon. and learned Gentleman. He must say he had rather anticipated that some advocate of the ten hours' Clause would have replied to the speech. With a very large portion of that speech which opposed the abridgement of the hours of manufacturing labour he was not disposed to quarrel. Many of the principles for which the hon. and learned Member contended, it had been his duty to urge on the House in opposition to the Motion of the noble Lord, the Member for Dorsetshire, and in respect of the whole of that argument which the hon. and learned Member had addressed to the House against the reduction of manufacturing labour to ten hours, it was for those who differed in opinion from him and from the hon. and learned Member to reply. He was extremely unwilling to refer to hasty expressions, but the hon. and learned Gentleman had said, that they were running a race of ignorance. He would not, however, refer to various expressions somewhat exaggerated which had fallen from the hon. and learned Gentleman in the heat of debate. In reference to these he would only say, that far too much of exasperation already prevailed on this subject, and that in the few observations which he should address to the House, he would refrain from using or retorting language of this kind. He agreed with the hon. and learned Gentleman, that compassion for the working classes, combined with a just view of what would be conducive to their interests, ought to be the guiding rule of the House in coming to their decision. It was not for him to dive into the motives of hon. Members, but he did believe, though the difference of opinion amongst them was wide, that generally speaking the desire, which influenced the decision of the House, was, that this question should be decided in a manner conducive both to the comforts and the interests of the working classes. Far be it from him to depreciate the immense value of machinery to this country. He agreed with the hon. and learned Gentleman in the eulogy which he passed upon manufacturing capital, and he believed the employment of that capital, the greater portion of which was expended in wages, was of the greatest value to the manufacturing labourers. Not one word would he say to call into question the great principle of the hon. and learned Gentleman, that the minimum of interference in these matters was the greatest wisdom on the part of the State. But he must say, that it did appear to him that the argument addressed by the hon. Gentleman to the House at this advanced period of the discussion, when they were about to discuss in Committee the details of the Bill, was an argument much better suited to a Motion for the repeal of the existing law than to a Motion for staying the progress of the present Measure. The first principle for which the hon. and learned Gentleman contended was a principle which was fully brought under discussion in 1833, when the Legislature first thought fit to deal with this subject by enactment. All the arguments used by the hon. and learned Gentleman were then urged—he would not say with greater ability—but they were all equally applicable to the enactment of 1833. They were carefully weighed and considered by the Government of that day and by the Legislature. He spoke in the presence of the noble Lord opposite, and of those who were then at the head of affairs, and they would remember that the subject underwent much anxious consideration from the Executive, and at that time at the head of the Board

of Trade, was the late Lord Sydenham, then Mr. Poulett Thomson, who certainly was not insensible to arguments of this description, and it was with very great hesitation that right hon. Gentleman consented to the passing of the law. He was, however, compelled to yield to the weight of argument and to the urgent necessity of the case. But what was the principle of this Bill? He said it was the regulation of the labour of children and unemancipated young persons in connection with factories, and abstinence from interference with the labour of adult persons. That was the principle of the existing law. If the hon. and learned Member had confined himself to the narnow point which his Motion raised, he would have discussed the question, why had the Government departed from the principle of the existing law which is non-interference with the labour of adult persons? As to the question of ten hours' labour, or twelve hours' labour, he thought this was not the Motion on which it should be discussed, nor was this the most convenient time for discussing it; and though he did say at the commencement of his address, that the noble Lord, and those who agreed with him in opinion, were expected to answer the speech of the hon. and learned Gentleman, yet, considering the notice which the noble Lord had given, and all that had passed, if there was to be a discussion in that House for limiting factory labour from twelve hours to ten, it would be more conveniently postponed to a later period of the evening. It would be impossible for him to enter upon the discussion respecting the proposed limit of ten hours in a sense adverse to the hon. and learned Gentleman, he would therefore confine himself to the reasons why he departed from the principle of non-interference. He begged to recall the recollection of the House to what was admitted in 1833, when the present law was passed. It was then admitted on all hands that the practical effect of limiting the hours of labour for children and young persons to twelve out of the twenty-four, was in effect a limitation of the working of machinery to that period. He was quite satisfied, that as a general rule the practical effect had realised that expectation, and he believed, speaking of the cotton districts generally, it was not possible without the aid of children and young persons, that machinery could be worked for a longer period than twelve hours. He looked to the measures introduced prior to the Bill now under discussion. He was glad to see the right hon. Gentleman, the Member for Perth, now in his place. The last Bill was introduced by that right hon. Gentleman under Lord Melbourne's Government in 1841, and that right hon. Gentleman and Mr. Sheil, the then Vice President of the Board of Trade, proposed, on behalf of the late Government, to extend the limitation of age of young persons from eighteen to twenty-one, the effect of which limitation, had the Bill passed, would have been that neither children under thirteen, nor young persons between thirteen and twenty-one, would have been allowed to work longer than twelve hours. If there were any doubt as to the practical effect when the limitation of the age of young persons was only eighteen, beyond all doubt, if that limitation were extended to twenty-one, it must have prescribed a limitation of the working hours of machinery to twelve. This was the general rule, but there were exceptions, and through the intervention of female adult labour, it was possible for competing manufacturers to work their machinery a longer time. He had it from the most unquestionable authority, that a very unfair advantage had been gained by the few who worked their machinery more than twelve hours over their brother manufacturers, and not only did they gain this unfair advantage, but they gained it in a manner which threw an obloquy on the whole manufacturing interest for working their operatives beyond the ordinary hours, and for imposing an amount of labour which was especially injurious to the health of female adults. He had seen many deputations on this subject, and he could state, that several master manufacturers in Lancashire, paying the largest amount of wages for labour, were favourable to a Clause limiting the labour of female adults to twelve hours on the ground thus stated; and he was confident, that if the opinion of the master manufacturers were taken on this Clause, there would be a decided majority in favour of the limitation. The hon. and learned Gentleman asked why they confined their legislation, if they interfered at all in limiting the hours of labour, to labour immediately connected with machinery? In the first place he would state to the House, he admitted at once this interference was contrary to principle. He admitted at once that every departure from principle, was attended by unquestionable danger, and that, step by step, they were led to a greater distance from the original principle, and

were involved in greater difficulties. He felt this to the utmost extent, and whilst advocating this particular departure from principle, he felt he was illustrating his own remark. But in the first place they dealt with labour connected with machinery, because it was in the power of the Legislature so to deal from the circumstance of its being concentrated, subject to inspection, and because it could be brought immediately under the control of the Legislature, so that if the Legislature thought it expedient to interfere, they had the power to do so, whilst with the scattered agricultural labour of the country, and with other species of labour not equally concentrated, and not open to inspection, it was impossible with effect to enfore regulations. The hon. and learned Gentleman might combat the policy of so doing, but it was evident that it was possible to do it. As to the more important point whether they were justified in that interference, he could not state his own view of the question in more appropriate terms than it was stated by Mons. Charles Dupin in a Report which he made to the French Chamber, in consequence of which they adopted a code of laws limiting the hours of labour in factories, which code, however, had become inoperative, form the want of a system of inspection. The Report of M. Dupin was in these terms:—

"The vast competition that subsists among the individuals who, in every country, are engaged in the same branch of industry, the competition no less formidable among nations producing the same description of manufacture, and struggling to obtain some advantage, are the most general causes of that fatal tendency in the present day to prolong, beyond all just bounds, the duration of daily labour. That disposition is excited by additional motives, and becomes more dangerous in those establishments where production depends on agents whose strength is inexhaustible, and insensible to fatigue, such as the moving powers of water and steam. Thus in manufactures that progress which we admire so much, on account of the ingenuity that has been displayed by the inventor, may lead to consequences the most fatal to health, and even to human life—the workmen becoming in some degree sacrifices to the great impelling power we derive from inanimate nature. 2d. To all factories, mills, and workshops where the mechanical moving power is inanimate, such as water, steam, &c., because, those kinds of moving power not requiring any rest to recover their strength, there is a tendency to continue the labour beyond what human powers can bear."

Here, then, the principle was laid down. Competition induced the capitalist to push the advantage which he derived from those inanimate agents to their utmost possible extent, and the question arose not exactly upon the principle of interference with labour, but rather on the question of degree, as to the extent to which this inanimate power should compel the assistance of human labour. The Legislature had already come to the conclusion that twelve hours was a sufficient period. It enacted directly that children and young persons should not be worked beyond that limit, and when it did so it indirectly fixed the principle that twelve hours ought to be the general limit to the working of machinery. But that rule was in a manner broken by the instrumentality of female adult labour, and the great portion of females in the mills in the manufacturing districts was a consequence which ought to be duly considered by the House. Since the last discussion on this subject, Mr. Horner, an inspector of the cotton districts, had, by his direction, visited several factories, and he would state the result of (Mr. Horner's) inquiries. In nine factories, of the work people employed, Mr. Horner found that more than 50 per cent. were females, and of them nearly 70 per cent. were above eighteen, while 27½ per cent. were married women. The hon. and learned Gentleman himself had laid down the principle that though they ought not to interfere with parties able to decide and judge for themselves, yet when that was not the case, as in the instance of children, it was right for the Legislature to interfere. A question then arose upon the Returns as to whether there was not something peculiar in the situation of female adults which brought them, if not quite within the limit, at least to the very verge of that principle. Did they decide and judge for themselves? So far as married women were concerned, the Law held distinctly the reverse. The Law held that they were under such control that they could not decide and judge for themselves, and to the female sex generally many of the rights of freedom are denied. The most important consideration of all was, that the restriction which had been already imposed upon the labour of children and young persons had driven those who sought to evade the Law in working machinery for more than twelve hours, by the force of legislation to avail themselves of the lower paid labour of females, in order to work beyond the limited time. Married women might clearly be influenced by their husbands, for the sake of gaining higher wages, thus to overwork themselves, and generally as to females, considering that they were the

weaker portion of the community, having a claim by nature on our compassion and on our care, he thought the House would feel they were more peculiarly entitled to the protection of the Legislature. He was prepared to stand by the enactment of 1833, and to limit the hours of labour indirectly to twelve, but beyond that limitation he was not prepared to go. He had thus shortly answered those observations which called upon him for reply. He would not detain the House longer than by stating that he must oppose the Motion of the hon. and learned Member.

Mr. *Labouchere* would only detain the House a short time, as he did not wish to prevent the House from going into Committee, and he would, therefore, confine himself strictly to the Question before the House—whether there was any justification for the House assenting to a principle hitherto unheard of and unadmitted in the legislation of this or any other country—namely, that they should, by direct legislation, limit the hours of labour of the adult population. To that question he had no hesitation in saying that he felt it his duty, by his vote to-night, to record his opinion that it was most inexpedient and highly dangerous to embark in this course of legislation. The speech which he had just heard from the right hon. Baronet had only confirmed the opinion which he had originally entertained, that he deeply regretted that Her Majesty's Ministers should have taken an opportunity of introducing into the Bill before the House a principle which he believed to be so dangerous and inexpedient. He confessed that if no other Member had moved this question he should not have done so. He had allowed former opportunities to pass without taking such a course; for he saw the Government resisting—resisting, he was bound to say, firmly and creditably—another proposition fraught with the greatest, the most imminent, and the most immediate dangers to the most important interests of the country; and, heartily supporting them in that opposition, he was unwilling to take any course which might, by any possibility, increase the difficulties of the Government. But the question being thus brought forward, he felt bound to give it his support. He stated then to some of his Friends, as he would state now, that if any other Member thought fit to move this question, his course was clear. He agreed with the hon. and learned Member for Bath, that it was much to be regretted that the Government had introduced this most dangerous and unprecedented principle. The right hon. Gentleman, he thought, feeling the pressure of this argument, had endeavoured to make out a special case for legislation. He thought, however, that his special case had entirely failed, because he thought that to say it was wrong to interfere with the labour of the adult population in general, and then to strike off one half of that population, and have no scruple to interfere with the labour of females, when it was thought inexpedient to do so with males, was abandoning the principle. If the argument of the right hon. Gentleman was correct, that twelve hours ought to be the limit of labour, they had better put a stop to machinery altogether. Now, he really must say, that all this proceeded on what he held to be a false principle—namely, that there was something in the factory labour of this country that was worse than the average nature of employment to which the labouring population were subject; and so far from that being the case, he believed that there were many favourable circumstances attending it; and that as good a reason might be urged for limiting the labour of women in a hundred other occupations, as within the walls of a factory. There was one fact which spoke volumes to his mind; he found in the Reports, and other evidence to which they could have access, that the employment of females in factories was spoken of as a favourite employment, and it was very difficult to get a young woman in the factory districts to become a domestic servant. That was a practical answer to all the cases selected to produce a feeling in that House against factory labour for females. He would then look across the Atlantic to the United States of America, to a country where there was no pressure on any portion of the population to oblige them to engage in dangerous and unwholesome occupations. And what did he find there? He held in his hand an extract which he had made from a recent able and intelligent work on the United States, published by a gentleman of the name of Godley, and which extract stated that he visited the cotton manufactories in the State of Massachusetts, and that he went round one of the mills, and was much pleased with the comfort and cleanliness of the workpeople, who were mostly adult. The wages of the men were 3*s.* 6*d.* per day, and of the women half a dollar, and they worked from 5 a. m. to 7 p. m., with a short intermission, which made the abso-

lute period of female labour amount to twelve hours and three-quarters. That was a palpable proof that this labour was not so cruel, not so overwhelming and oppressive to the human frame. Do not let him be understood to say that he did not wish the labouring population to work for a less period of time than they did at present. That was not the question. The question was, whether the labour was so dangerous and bad, that persons ought to be prevented from working any length of time they would in the employment. He had before ventured to say that he was very much afraid, if they interfered with the labour of women in this particular branch of employment, they would drive them to other employments far worse, and more prejudicial; and with the best intentions in the world, they might produce very evil effects. If there was any one mode of interference at all to be justified, those who were in favour of interference would agree that it was in protecting very young children from being overworked in factories—that would appear at first sight to be the safest and wisest interference. Now, with reference to this, he was much struck by the evidence given before one of the Factory Commissioners of the effects produced in the town of Warrington by that interference. There were three employments in that town—factory labour, which was the lightest; next, the employment of fustian cutters, which was severe; but the last employment would afford details which were shocking and revolting to the mind, and which he would not harrow the feelings of the House by giving; suffice it to say that it was a most cruel and dangerous employment: he referred to the employment of making pins'-heads, the dangers of which to the eyesight were most shocking. What did the Factory Commissioners tell them of the effects of limiting the employment of children in the factories in Warrington? They said they went to many families, and asked what had become of their young children, whom they did not find at home, and they were told that they were gone to work in the pin and fustian manufactories until they were old enough to go into the cotton mills, where they would have been glad to have been able to send them. He mentioned that to show the ill effects which such legislation might produce when its object was really good. One word more, and he should have done. He held it most important to keep the correct principles of legislation in view in this matter. He was not one of those who would say that they never might modify principles abstractedly correct so as to do more good than harm; but this he would say that they never could widely depart from them without much danger. And he would further say that without much stronger reasons than any which they had had the good fortune to hear from the right hon. Gentleman, the Secretary for the Home Department, if the House sanctioned the principle, he was afraid, especially after the way in which they found some Gentlemen in the former debate had argued upon this matter, they could not oppose any interference with labour hereafter. He should, therefore, vote with the hon. and learned Gentleman, and refuse to consent to introduce into the legislation of this country the novel principle of limiting the hours of adult labour by legislative interference.

Captain *Rous* said, that the right hon. Gentleman, said that the limitation of the hours of labour would break through a great principle. He might well say so, for when the right hon. Baronet, the First Lord of the Treasury turned round in the late debate, and asked the House if they meant to interfere with such and such employments which he pointed out, and limit the hours of labour in them also to ten—he believed he enumerated twenty other cases—he was met with cheers on that (the Ministerial) side of the House; and he went out of it considering that there were many more foolish than wise persons in the House. If they consented that the House of Commons should interfere with the manufacturing interests, and dictate to the master-manufacturers how many half-holidays they should give, and tell them that they would appoint inspectors, and sub-inspectors, who should walk into the factories whenever they pleased, and do whatever they liked—if they admitted such a principle as that, how could they defend the City of Westminster and London from a similar interference, which would allow these inspectors to walk into the leading and great commercial houses in the same way? There was one very extraordinary thing with respect to this subject of ten or twelve hours labour—that not one hon. Gentleman on either side of the House had taken a proper view of it. It was not a question whether the labourer should work for ten or twelve hours—that certainly was not

the question; but the question was, whether, in the event of a bargain being made between the master manufacturer and women and persons of a certain age, that they should wo.k beyond twelve hours—a mutual agreement—whether any penalty should be inflicted upon those who worked beyond that time. If such a Law were passed the great capitalists would be able to improve their machinery, and do as much in the ten hours as they did now in twelve, but the smaller capitalists, and those who had water mills, would be obliged to work on at the same rate, and be ruined. Thus the manufactures of the country would get into the hands of a few persons, who would have the sole control of the market. There was another reason why he opposed any interference with the hours of labour; it would cause the creation of such an army of Government functionaries, in the persons of inspectors, sub-inspectors, and others, which would entail a great expense upon the country. He presumed that the hon. Member for Oldham meant to work his mills eight or ten hours a day. Now, he wanted to know how that matter stood, because perhaps that hon. Gentleman proposed paying his workmen for twelve hours' labour, and that step must of necessity be contrary to his interest. If, indeed, the hon. Member for Oldham, or any other mill-owner thought that eight hours' labour was sufficient, he could not conceive that the masters would have a right to employ their workmen one moment longer than for that period. He was satisfied that the effect of the limitation of the hours of labour to ten would be that the great capitalists would immediately improve all their machinery so much as to increase the speed to such a degree as to get twelve hours' work done; but the smaller capitalists, who had not the means to do this, must work the full time; nay the smaller capitalists must be ruined. The great capitalists would have the sole command of the markets. Pressure and bankruptcy would result from the adoption of the principle of legislative interference on this important question, and he therefore must oppose it.

Mr. *S. Crawford* said, that with regard to the principle of this Bill, it was his opinion, that the ground on which restraint on individual liberty in any case was justifiable was this, that it was only applied where the free exercise of the individual right would be injurious to society. In that case, restriction was proper. But, he maintained that the working man was not a free agent; that he must obey the commands of his master, and that he was not in a condition to say to his employer, "I will work so long and no longer." The House was bound, therefore, to step in and protect the working man and the working woman. Protection was necessary, because there was so overwhelming a pressure on the labour market; whole classes of the labouring poor were thrown on their daily labour without any other means of support. The New Poor Law terrified them by the workhouses which it had erected; the support they might have expected under the old law was withdrawn; they had lost the rights they held under the old law, and they were now left without any compensation. Until hired employment could be joined with occupation of land, the working man never could be in a condition to contend with his employer. It was said wages must fall if this restriction were passed by the House. He had always understood that wages depended on the supply and demand, and at any rate it was impossible, he thought, for any man to say what would be the event of this Measure with respect to wages. Let the consequences, however, be what it would, he would not consent to see the working man oppressed; he should do that which he deemed just and right to the working man. They might as well say that because States which employed Slave-labour had greater power to compete with us, therefore we should employ Slave-labour also. He was convinced that England was able to compete with any country in manufactures without resorting to pressure on her working population. Could any man deny, that in parts of the manufacturing districts the population was employed seventeen or eighteen hours out of the twenty-four! He believed that was the case. The hon. and learned Member for Bath (Mr. Roebuck) had spoken of the sufferings of the poor, and of the necessity of giving the working man more power in the House of Commons, by means of extending the suffrage; but if the suffrage were extended to the working man, did the hon. and learned Member think that such a Bill as this would not be passed immediately? The expression of opinion of the working classes was unanimous, or nearly so, in

favour of this Bill. Now, with regard to the petition of the operatives of Belfast, which he had presented to the House. There were peculiar circumstances relating to that Petition. There had been three or four petitions presented from different bodies of operatives from the mills of different employers. The operatives of Belfast, when they found these Petitions were going forward, assembled in a public meeting, and agreed to the Petition which he had presented, having passed resolutions stating that ten hours daily was as much labour as women and children of tender years could endure without injury, and that it was desirable that they should have more leisure and time for improvement than at present, The hon. Member for Belfast had mistaken, he believed, the sentiments of his Constituents, and in consequence, on a former occasion, the hon. Member had declared his intention to vary from the vote he had first given, on the ground that masters and operatives were alike against restrictions on labour. The petition he had presented was framed for the purpose of showing what was the real state of opinion among the masters and operatives of that town on this subject, and it was directly contradictory of the hon. Member's view of the case. It must be remembered that petitions brought from particular mills would be signed under the influence of the owners of the mills, and might not, therefore, perhaps, express quite fairly the opinions of the operatives. His sincere opinion was, that the Belfast petition fairly represented the opinions of the operatives of that borough. When the working man was driven from the occupation of land, and when he was placed in such a position that it became impossible for him to bear up against oppression, he knew not how Parliament could do otherwise than hold out to them the means of protection and support. Bestowing upon the question before the House the most serious and dispassionate attention, he was bound to say, that it became his duty to support the views entertained by the noble Lord the Member for Dorsetshire, and to oppose the motion of the hon. Member for Bath.

Mr. *Ross* observed that he had carefully examined the petition which had been presented by the hon. Member for Rochdale, and he would at once say that he did not consider it to be the petition of the operatives of Belfast. His hon. Colleague and himself had presented petitions against the ten hours Clause from the operatives in sixteen mills at Belfast and its vicinity. Now he had reason to believe that the persons who signed these petitions constituted the majority of the working people employed in the cotton mills in that town, and that the other petition did not emanate from those persons. At the meeting at which the petition was adopted, an operative was not in the chair, but it was occupied by a printer. Some operatives employed at the mills attempted at this meeting to speak against the limitation of the hours of labour, but instead of being listened to they were clamoured down. Some of the parties who supported this petition made use of the most violent language, which he was sure would not meet with the support of the operatives of Belfast. One of the persons who spoke at this meeting said, that they had been told that if this Clause were adopted, the manufactures of the place would be destroyed, but that that was of little consequence, for the result would be that they would then get rid of the Corn Laws. He (Mr. Ross) was opposed to the Corn Laws, but he could not contemplate such a mode of getting rid of them without horror. His hon. Friend had intimated that the Petitions against interfering with labour had been got up at the instigation of the masters. Now, he happened to know that this was not the case. The only thing that occurred that could in any way justify such an assumption was, that the operatives were told, that if they obtained a limitation of labour to ten hours, there would be a proportionate reduction of wages; and the general expression of opinion was, that they did not wish for short hours and low wages. The working men of Belfast were not a class of persons who would submit to the dictation of their masters, or any other persons.

Viscount *Howick*; I shall not upon this occasion say one word on the question of whether, if we decide upon limiting by law the hours of labour, it is better that ten hours or twelve hours daily should be permitted. In common fairness to my noble Friend, the Member for Dorsetshire (Lord Ashley), I think we ought to reserve anything we have to urge upon this question until he brings it regularly under our notice; and, therefore, although the hon. and learned Member for Bath (Mr. Roebuck) has not by any means adhered to this

rule, and has tempted me to follow him in transgressing it, by advancing arguments very specious, but as it seems to me very shallow and very easily to be answered, not applying to the subject immediately in hand, but to the proposal of my noble Friend which is not yet before us, I will abstain from entering into this discussion, and will strictly confine the observations I shall make to the Motion on which we are about to vote. The Resolution which the hon. and learned Member has moved is, "That it is the opinion of this House that no interference with the power of adult labourers in factories to make contracts respecting the hours for which they shall be employed be sanctioned by this House." This is what we have now to discuss, and undoubtedly it is a very large, a very difficult,and a very important question. Sir, I confess, when we entered upon this debate, I felt much curiosity as to how the right hon. Baronet, the Secretary of State for the Home Department, would be able to reconcile his resistance to the Motion of the hon. and learned Member with what fell from him on a former occasion; for the House, I am sure, will remember that the right hon. Baronet, in the debate on the former Bill urged as his main argument against the Amendment of my noble Friend, the Member for Dorsetshire, that it involved the violation of an important principle of legislation. Now, as it appeared to me, that the principle of the original Bill and of the Amendment was precisely the same, and that the only difference between us was as to the extent to which that principle should be carried—as I had heard this distinctly acknowledged by my noble Friend, the Secretary of State for the Colonies, who said that the difference between the Government and those who supported the Amendment was one not of principle but of detail, I was curious to hear how the right hon. Baronet would be able to reconcile what he had said in condemnation of the principle of my noble Friend's Amendment with his resistance to the present Motion; I was, I say, anxious to hear how the right hon. Baronet would extricate himself from this dilemma; but I confess, among all the conjectures I made, it never occurred to me that the right hon. Baronet would take the line he actually has done, and would avow that the Measure of the Government, no less than the Amendment of my noble Friend, involved a violation of an important principle, and yet call upon the House to adopt it. This is a declaration which, coming from a Minister, I was altogether unprepared for. We are told that to violate a sound general principle is most dangerous; that having once been induced to do so, we never can tell where we shall be able to stop;—and having told us this, the right hon. Baronet goes on to advise us to adopt a measure which he distinctly admits to violate a principle he regards as sound. This does seem to me to be most extraordinary. What, let me ask, is meant by a general principle? I understand by a general principle some rule drawn from long experience and careful observation of facts, which sound legislation ought to follow; and if it is proved to my satisfaction that what I have been accustomed to regard as a general principle does not hold true in some particular instance—that it is for the good of the community that it should be departed from, the conclusion I come to is, that what I have been accustomed to regard as a sound principle of legislation is not so in fact; or that, at all events, there must be some mistake in the manner of stating it, and that it requires some limitation and qualification which has not been properly attended to. To me it seems like a positive contradiction, to say, that a principle is sound, and yet that it ought to be violated; I am quite unable to understand that kind of reasoning which admits a principle to be true, and yet that it ought not to be applied in practice; though it is, I know, rather favourite language with the right hon. Gentlemen opposite, who are very much in the habit of telling us that the doctrines of free-trade cannot be disputed in the abstract; but yet ought not to be carried practically into effect: for my part I cannot recognise this difference between what is true in theory and what is true in practice. I acknowledge facts and experience as the only grounds upon which solid reasoning can rest; and the conclusions thus supported and established, I am prepared to apply in practice. Sir, I am prepared to go further than the right hon. Baronet in defence of his own Bill, and I maintain that neither that Bill, as originally proposed, nor the Amendment of my noble Friend, can justly be charged with violating any sound principle of legislation. Let me ask, what is the principle which is said to be violated? I wish to put the case as

strongly as I can against myself; I will therefore quote, in language far better than any I could use, the statement of the principle which I believe you mean to argue that we violate by such legislation as that which I have undertaken to defend. It has been said by a writer, whose authority has and ought to have the greatest weight with the House, that

"The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper, without injury to his neighbour, is a plain violation of this most sacred property. It is a manifest encroachment upon the just liberty both of the workman and of those who might be disposed to employ him."

The House will easily recognise this passage as a quotation from the 'Wealth of Nations;' this I believe to be the authority on which you rely when you assert that principle is violated by the kind of legislation which is now proposed; but, for my own part, while I subscribe to the principle in the sense in which it was meant to be laid down by the distinguished author I have quoted, I utterly deny that it applies to the question now before us. To judge of the real application, according to the meaning of the author, of the rule he has led down, we must consider what is the course of reasoning by which he has been led to it. Now, Sir, in the chapter of the "Wealth of Nations" in which this passage occurs, Adam Smith had been treating of the various impolitic laws which the different European nations have passed for what is called the protection of manufactures, and for giving peculiar privileges and advantages to persons carrying on certain trades. As opposed to the policy of all such laws, I have no doubt that the principle stated by Adam Smith is a sound one, because all experience proves that men can judge far better for themselves than any Government can judge for them how to apply their labour and their capital to the best advantage with a view to their own pecuniary interest, and that as the wealth of the community is the sum of the wealth of all its members, in order to increase the wealth of the state the best rule to be followed is to leave each man at liberty to act for himself; individuals under this system will no doubt make mistakes, and will, in consequence, incur losses, but, as a general rule, it is proved by experience to be undeniably true that the productive power of a nation will be best developed by giving the utmost liberty to individual exertion, and that you cannot attempt to direct industry into channels which it would not otherwise seek without very seriously imparing its efficiency. All such interference with the freedom of industry, founded on the notion that you can thus increase a nation's wealth, I regard as in the highest degree impolitic and mischievous; if the object of the interference is to benefit not the whole community, but some particular class, it is not merely impolitic, but unjust; it is a real violation of what Adam Smith has well described as the most sacred of all property. For instance, if a Manchester spinner or weaver, if allowed to do so, could exchange the produce of a year's labour for twenty quarters of Dantzic wheat, but that by law you prohibit this exchange, and allow him only to obtain home-grown corn for his consumption, of which the same labour will only procure him fifteen quarters, you unjustly, as it seems to me, deprive that man of one-fourth of the fruits of his labour. I agree, therefore, with Adam Smith, (and I believe this is all that he meant to assert) that restrictions upon the freedom of industry, if intended to increase the wealth of a particular class, are unjust—if that of the whole community, are impolitic and defeat their own aim; but I contend that you altogether misapply the maxim of leaving industry to itself when you use it as an argument against regulations of which the object is, not to increase the productive power of the country, or to take the fruits of a man's labour from himself and give it to another, but, on the contrary, to guard the labourer himself and the community from evils against which the mere pursuit of wealth affords us no security. The mere increase of a nation's wealth is not the only—it ought not even to be the first and highest object of a Government. The welfare, both moral and physical of the great body of the people, I conceive to be the true concern of the Government; national wealth no doubt, rightly used, greatly contributes to that welfare, but he must indeed have a low and mean idea of our nature, who thinks that mere wealth is all in all to a

nation, and who does not see that in the too eager pursuit of wealth, a nation like an individual, may neglect what is of infinitely higher importance. But if this be true, it follows, that there is an important distinction, which has not been sufficiently adverted to in these debates, between restrictions imposed upon industry, with the visionary hope of increasing a nation's wealth, or with the unjust design of taxing one class for the benefit of another, and those of which the aim is to guard against evils, moral or physical, which it is apprehended that the absence of such precautions might entail upon the people. It was only to restrictions of the former kind that the French merchants referred in their celebrated answer to the Minister, who, being asked what he could do for commerce, was told they only desired to be left alone; it is of these only that Adam Smith and his distinguished followers have treated, when arguing from experience—the only sure basis of all such reasoning—they have established the conclusion which I wish you would recognise in practice as well as in words, that industry is most productive when least encumbered with the trammels of law. This is no doubt a just conclusion, because it rests upon experience; but allow me to ask, whether, if you attempt to push the rule farther, and apply it to cases which perhaps the words in which you express it may seem to include—if you assert that it is never necessary, in order to guard against social evils which may arise from the unchecked pursuit of gain, to impose restrictions upon industry—does your reasoning still hold good, and can you still with equal confidence appeal to experience? So far from it, is it not true that experience has, on the contrary, demonstrated such regulations to be in some cases indispensable, and that they have in consequence been established? It is only a Session or two ago that the House, at the instance of my noble Friend (Lord Ashley), passed a Bill, almost by acclamation, to prohibit the employment of females in mines and collieries. Let me ask you, was it wrong to do so? I think I hear some hon. Gentleman say "yes;" but I am convinced he must stand almost alone in that opinion, when I remember how nearly unanimous the House was upon the subject, and that even what little objection was made to the Measure was almost exclusively on the ground that it ought to have been more entirely prospective, and should not have prohibited labour in collieries to those women who had already been accustomed to an employment so unsuitable to their sex, and tending so much to disqualify them for any other mode of earning their livelihood. If that Measure was right—and looking to the abuses which in some districts were proved to exist, while the experience of the majority, including all the best-regulated collieries, showed that there was no necessity for so employing women, I cannot doubt that it was so—if, I say, that Measure was right, it at once puts an end to your argument, that there is any sound principle of legislation resting upon experience, which you violate by imposing restrictions of this sort upon industry. If you are prepared to maintain as a principle that it is wrong to interfere by law to prevent persons of mature age making wha bargains they please as to their own labour, I wish to know how far you are prepared to carry it; you must, I think to be consistent, go so far as to allow men, if they choose, to sell themselves for slaves. Yes, much as it may startle you, I am persuaded, if the law of the land allowed it, such bargains would have been made, and, so far as the mere increase of productive power and of wealth is concerned, would have been made with advantage. We know the great value of labour in our Colonies; we know, too, that experience has shown that capitalists cannot venture without certain loss to carry out labourers to the Colonies, trusting to any bargain for services they may have previously made; every plan of apprenticeship has failed; and it is known that no bargain will answer, short of giving to the capitalist complete command over the person of the labourer. But, under these circumstances, do you doubt, that if the law had allowed it, there would have been found capitalists to buy and labourers to sell themselves as slaves? In times of distress, do you not think that a Dorsetshire peasant, for instance, one of those men whose situation was so powerfully described not long ago by the hon. Member for Stockport (Mr. Cobden), would willingly have sold himself as a slave, under the assurance that by doing so he would secure to himself and his family in Australia an ample supply of the necessaries and many of the luxuries of life? I have no doubt that such bargains, if legal, would have been made, and would very generally have proved

highly advantageous to the parties contracting them. But does it follow that it is wrong to forbid them—that it is unjust to prohibit the starving peasant from contracting the only engagement by which he can obtain the means of being carried to a colony where the high value of his labour would so greatly improve his condition? Certainly not; because whatever might be the immediate advantage of allowing such bargains to be made, we know that the evil of introducing into colonial society the element of slavery would far outweigh any partial good that might thus be obtained. I might mention other instances of the necessity of similar interference, but I will only refer to what has been done on the very subject of factory labour now before us. The right hon. Baronet said, very truly, that the principle of not interfering with labour was first violated as regards factories by the Act of 1833, and he went on to state as a matter of fact that the regulations then adopted had proved exceedingly useful, so much so that he has this night informed us, that great as were the objections urged by the master-manufacturers to these regulations when they were introduced, the majority of these persons now admit them to have been beneficial; nay more, they are quite willing that the interference of the Legislature should be carried as much farther as it would be by the adoption of the Measure Her Majesty's Government have recommended to us. Now, Sir, the mere fact that I am able at once to mention more than one case in which we have practically admitted the necessity, and experienced the advantage, of subjecting industry by law to such restrictions as are now proposed, completely, in my opinion, refutes the notion that it can with any propriety be said that by doing so we are acting in violation of principle. What I understand by a principle is, as I have already remarked, some general rule drawn from long experience, and which it is thus proved that we ought to adhere to in legislation; but when you claim for any rule this authority—when you ask me to submit my judgment to what you call a general principle, and rather than violate it forego some apparent benefit which by doing so, in some particular instance, we might hope to obtain—before, I say, you can ask me to do this, you are bound to show that the experience on which you rest your case is uniformly in your favour. Adam Smith's rule, that industry should be left free, understood as I understand it and I believe he meant it, will bear this test; among the multitude of laws which the different nations of Europe have made, in the hope of increasing their wealth and their trade by directing industry into channels which it would not naturally take; amongst all the devices of this kind by which commerce has been tortured and perplexed, you cannot show one that has really answered its intended purpose, and has not diminished instead of increaing the productive power and the wealth of the country by which it has been adopted. But when you attempt to twist the words of Adam Smith into a meaning which I am convinced he never contemplated, and try to establish a principle far wider than he intended, instead of being able to show that it rests upon uniform and unvarying experience, you find, on the contrary, that we can easily bring before you cases in which you are forced to admit that experience is against you. Sir, I am so far from admitting the authority of the principle which I have heard contended for, more particularly by the hon. Member for Sheffield (Mr. Ward), that I regard its admission as a most dangerous error, or rather as one out of many erroneous inferences from what seems to me to be a most mistaken idea of the proper duties of a government. There are some who believe that if a government maintains the honour and interests of a nation in its relations with foreign countries, and protects the lives and property of its subjects from violence or wrong, it accomplishes all, or almost all, that can reasonably be expected from it. We must be sensible that for a long series of years the Government of this country has practically been conducted very much as if these were the only objects for which it is called upon to provide, and as if in all other respects the welfare of society might safely be trusted to the unaided efforts of individuals. In the present state of the country and of society, it seems to me that we have too many convincing and alarming proofs that this view of the duties of the supreme authority of the State is a wrong one, and that far more is required from the Government and the Legislature. More especially when we look to the present state of the manufacturing districts we must feel that

such is the case; I do not mean to throw any blame upon individuals in the manufacturing districts which does not fall equally on every other class in the community;—there is much that is amiss in the condition of the agricultural population also, much that in my opinion requires the active interposition of the House; but still, from various reasons to which it is not necessary now to advert, the danger is less pressing in the agricultural than in the manufacturing districts. When we look at the dense masses of population that are there collected, or rather heaped together, without any adequate provision either for their moral or physical well-being; when we learn, as by recent inquiries we have learnt (I must say for one, to my astonishment and dismay) —when we learn what abuses prevail, and how much misery exists amongst the thousands of human beings crowded together in the busy seats of our commercial and manufacturing industry; when we consider this state of things, surely we must feel that we have trusted too much in a case where it does not apply, to the maxim that men should be left to take care of their own interests; and that it would have been well if even at the price of some sacrifice of productive power and of national wealth the State had earlier interfered, and had taken measures which should have opposed some check to so vast an increase of population without some corresponding increase in the machinery for maintaining order and decency, and diffusing the blessings of education and of religion. Sir, this is felt very deeply, not only by those who, like myself, support the views of my noble Friend opposite (Lord Ashley), but by many of the most distinguished of our opponents; I have myself heard the opinion expressed by one of the ablest of our antagonists, that the State would have done wisely if, at the beginning of our manufacturing system, it had interposed and had forbid any woman or child from ever setting foot in a factory—those who think it would be dangerous now to interfere, hold this opinion as to what would earlier have been desirable;—I for my own part do not share in this opinion; on the contrary, I am persuaded that employment in factories under proper regulations might be a blessing to women and children; but of the necessity of regulations, and of the State stepping in to prevent the abuses which now exist, I am most firmly convinced; and of all the points on which such regulations are required there is none which appears to me to be more pressing than that of restricting to a reasonable time the hours of labour of women and children. The right hon. Baronet, the Secretary of State for the Home Department, has himself to-night expressed this opinion, and has used the very arguments I should have urged in its support. He has told us that practically, in the state in which the country is—under the pressure of the intense competition which prevails, individuals are not free to act as they could wish in this matter; that a few individuals doing what is disapproved of by the great body both of the manufacturers and of those whom they employ, are able to force the whole trade to follow their example; and that to restrain this abuse, the majority of master manufacturers themselves are agreed as to the expediency of regulating by law the hours of female labour. I believe that such a regulation is most desirable; I believe that looking to the future welfare of the labouring classes, it is most important that we should take measures to prevent excessive competition from driving females and young persons into the performance of an amount of labour which is utterly inconsistent with the due discharge of their domestic duties, with the maintenance of health, and with education. Our interference, both for this and for other objects of the same sort, is most urgently required; and I am persuaded, that if we would avoid some fearful catastrophe which sooner or later (probably at no very distant period) will overtake us if we persevere in our present course of passive helplessness, we must resolve to deal much more boldly and much more decisively than we have hitherto thought of doing with the evils of our actual social state. Parliament must first seriously consider what ought to be done, and having deliberately considered, must act with energy to amend the condition of the people; and in this we have a right to look to Her Majesty's Government to take the lead. Our duty is to press upon them the necessity of not leaving things as they are. This momentous question as to how the condition of the people is to be improved, can no longer, in my opinion, be safely neglected; and I, therefore, have hailed with satisfaction the measure to which the hon. and learned

Member for Bath objects, because I think the discussions to which it has given rise have brought home to us a sense of the evils of the present state of things—because I consider it, even in its present imperfect shape, a beginning—no doubt a feeble and hesitating beginning, but still a beginning—of what I believe to be a wiser and more manly course of policy than that which we have hitherto pursued, in being content to deplore, without setting vigorously to work to amend, what we find to be amiss in the actual state of society, I say it is a beginning of what I think a wiser policy; for whether we adopt the Bill in one shape or in the other, as proposed by my noble Friend, or by the right hon. Baronet, we equally adopt the principle of protecting female and youthful labourers from the excessive toil to which they are driven by extreme competition. Having once adopted this principle, you must of necessity continue to act upon it, for the right hon. Baronet at the head of the Government, in the last debate upon this subject, truly told us, that it was not in factories only that there exists evils of the same kind as those against which we are now directing our legislation; but by the appalling account which he gave us of the similar abuses which prevail in other branches of industry, far from deterring me from the proposed interference by showing me how much further it must be carried, he only convinced me yet more than before of its necessity; he proved to me with how much reason we have refused to admit the principle of leaving men to be guided in these matters merely by their own interest, since in practice this principle has so completely failed as to allow such abuses to grow up; and he demonstrated the importance of beginning our work without delay, as we have so much upon our hands. Sir, I support this measure, not as one which even if the Amendment of my noble Friend should be carried, would be complete and perfect in itself—far from it; I approve of fixing by law a limit to the hours of female labour, I approve of placing under legal control the great branches of manufacture affected by the Bill; but I have great doubts whether the machinery employed is the best that could be adopted, as I still retain the opinion I expressed on a former occasion that it would not be impossible to devise some means by which the parties concerned might themselves be entrusted with the task of framing and enforcing such regulations as are required, and I am persuaded that however by direct prohibition we may check some abuses arising out of excessive competition, the evil lies too deep to be thus extirpated; it is the deficiency of employment which causes, and while it continues to exist, must continue to cause, the intense competition whence all these difficulties really spring, and this we can only remedy by altogether removing those artificial restrictions which an unwise legislation has created, to narrow the field for the employment of industry. Entertaining these opinions, I support this Measure, regarding it as I have said as the beginning of an improved policy, as being calculated at once to mitigate at least, some of the evils arising from excessive competition, and as holding out the promise of leading by steps which perhaps may be slow, but are not the less sure to a more complete reform. Experience will teach us what is the most effective machinery we can adopt for the regulation of the different branches of trade, and when our attention is thus strongly directed to the condition of the working classes, it will not, I am convinced, be possible that we should long maintain the system of monopoly which is at the bottom of all the difficulties and distress to which they are subject.

Sir *R. Peel:* Sir, I think it necessary that we should clearly understand what we mean by the word "principle." Now, there certainly are principles which we ought not to violate in legislating. There are principles founded on the moral sense; there are principles instilled by religion; there are principles which the heart and conscience of every man tell him are concurrent with the dictates of justice and humanity, and by those principles so understood our Legislation ought to be directed. There are certain other rules which are occasionally called principles, which are not founded either on morality or religion, but which have a binding force upon Legislation, because long experience, and the observance of facts tell us that they are concurrent with the dictates of prudence, and tell us that they ought to be the general guide of Legislation. I admit, with the noble Lord, that these "principles" (as he calls them) or these "general rules" (as I call them) of Legislation, are to be determined, not by any intuitive sense, but by the observance

of facts, and from the conclusions of wisdom drawn from long experience. When we say, therefore, that any enactment is conformable with principle, all I think we mean is that our general experience tells us, that that is a rule to which Legislation in general ought to conform, and the question always is in these cases, will the practical good derived from any particular enactment in a particular case, counterbalance the evil of that enactment? Now, I say, certainly, that it is a general rule, which we ought to observe, to leave persons to judge for themselves what is a profitable mode of employing their labour. There is another gereral rule, not inculcated perhaps by morality, or by religion, but which is strongly recommended by the dictates of prudence and experience, and that is that we should leave to parents to judge what is the best mode of educating and of employing their children. That is a rule, I apprehend, on which we do universally act with respect to the rich. We may be quite convinced in some particular case, that it would be much better that the son of a rich man should be sent to school; that he should receive a good education; that it is very wrong of a parent to allow him to waste his time, and that he should not learn the first rudiments of literature and science: why do we not interfere, and pass a law compelling the rich to bring up their children in a certain particular mode? Not because we doubt that in particular cases our Legislation might not improve, but because we believe on the whole that it is better to respect the great principle of liberty, and to trust to the parent the education of, and the control over his children. Sir, I admit to the noble Lord, that the present condition of the working classes is most unsatisfactory—that the Legislature has not attended to their moral and social condition as it should have done, and that the mere accumulation of wealth is not and ought not to be the only object of the Government of this country. I also admit to the noble Lord that the moral strength and power of a country is not dependent exclusively upon its wealth. But I must always ask myself this question when I begin to legislate—"There is nothing easier than to lay down these general rules; but do I, by my intermeddling, interfere with the true liberty of the people: am I more likely to promote not merely their wealth but their essential comfort, happiness, and moral improvement?" I support the noble Lord in his principle, that the social happiness and the moral comfort of the people ought to be regarded by the Government. I agree with the noble Lord, that when we look at those great manufacturing populations and see no means provided for their amusement or relaxation, that when we see, as we do see, what were villages become immense towns, and yet subjected to the same discipline which they were left under when they were villages—when we see every space crowded, and no place left where there is an opportunity of amusement or recreation, with nothing to divert them either from constant labour or the indulgence of sensual habits—when we see all this, I admit that it is a great evil, and that the Legislature, ought to apply the public wealth to the promotion of their rational enjoyment. That, I think, is a perfectly legitimate interference on the part of the Legislature. Don't overlook these moral considerations—give the people the advantage of education, and feel certain that, by weaning them from habits of intemperance and vice, you will elevate them in the social scale. But this is a perfectly different question. Shall I improve their moral condition; shall I elevate them in the social scale by any enactment controlling the application of their labour? I admit to the noble Lord, that if you ask me whether I prefer that children should work twelve hours or ten hours, I say, I shall infinitely prefer their working ten hours. If you ask me whether I wish to see the mother of a family working eight hours, and able to devote some portion of the remainder to domestic duties and the superintendence of her family, I perfectly admit that I should infinitely prefer the spectacle of shorter labour, and an increased attention to domestic duties. But, I say, after that admission, that it does not necessarily follow, that it would be for the advantage of that woman that I should interfere and say, "You shall not work more than eight hours, and I prescribe to you by enactment the exact time during which you shall work." And see what the noble Lord says—it is possible I may apply the principles now in the case of factories; but he says, he rejoices in your application of this principle, because he foresees that it must be extended a great deal further. I said, the other night, "I will

show you trades and occupations imposing heavier burthens upon children, upon females, and upon males, than factory labour." If your principle be good, and if you can give effect to it, you ought to extend your interference with them, and I said, therefore, "Beware how you do deal too precipitately and incautiously with this factory labour, because if you do not take care, if you interdict the employment of the people in factory labour, and subject it to restraint, take care that you don't give a premium and an encouragement to other descriptions of labour in themselves more oppressive and more onerous, but which are yet beyond your Legislative control." How am I met? Why, it was said, "I wish you had gone on extending your twenty to beyond 200 instances of more oppressive labour, because you would only have shown to me the necessity that Parliament should now act upon some great principle of controlling not only factory labour, but every description of labour;" and that I say is an utter impossibility. In those great buildings where machinery is employed, and which are subject to constant inspection, it is possible to apply the principles of interference; but if you go to every house—to the tailor who works his men twenty hours—to the sempstress who works her women fifteen or sixteen hours—if you are about to establish in individual cases and in private families this principle of interference, you are about to establish a system of domestic inquisition and tyranny, which may occasionally produce a good effect in limiting the hours of labour in a particular case from sixteen hours to twelve, but which will end by entirely changing the character of the British people. You may make them entirely dependent upon Government interference; you must then, indeed, have an army of domestic inspectors and sub-inspectors. And the only protection against your interference is this, that your Bill may become so odious that the whole mass of the population will rise up against it. Well, then, I say that were you to make an exception from this general rule you are bound to consider not merely whether you are limiting the production of wealth—that I quite admit—but whether you are really thereby promoting the social comfort and happiness of the people. It is a good thing no doubt to restrict, we will say, factories; but if there be other descriptions of labour in the same place, like fustian-cutting or pins'-head-making, and if I do not control fustian-cutting or pins'-head-making, and if I cannot control them, then I say it is perfectly open to me to consider whether the advantage which I gain from my attempt at interference in that particular instance be not counterbalanced by the disadvantage arising from giving a premium and encouragement to employment in more laborious and less gainful occupations. Take the case of pin-making. The consequence of my interference with the more healthy occupation may be, that many may be driven to injure their sight by engaging in pin-making; then my own object to promote their happiness will have been countervailed by the impossibility which I find to interfere with these trades; and, therefore, Sir, in every particular case I am bound to consider whether any departure from the general rule upon which I am inclined to act, and which wisdom and experience have sanctioned, will be beneficial. If you can prove to me that that exception will increase the moral comfort of the people, I think your exception from the general rule will be justifiable; but you are bound to show to me that that will be the result. That is the limitation which must be applied to your exceptions from the general rule. Now, as to the Ten Hours question: if I take a narrow view of it, I have no doubt that, for a certain time and in certain localities, it will have a good effect; but, can I compel other nations to adopt the same principle? And if they do not, what is the consequence? Why, is it possible to suppose that a people whose labour is so curtailed will have the enjoyment of full wages? Is it not contrary to common sense to say that you will reduce the labour from twelve hours to ten, and yet give the same amount of wages? And, supposing that, by giving that stimulus to the manufacturing industry of other countries which you will give to Switzerland, to France, and to the United States, for instance, you raise up there great manufacturing establishments, and that you do by that means diminish the power of employing your people; suppose that they are unable to do that which constitutes the independence of their moral character—viz., to earn their subsistence by honest industry; suppose you drive them to the workhouse; suppose by means of employment failing, and your being met in the third market by persons who are willing to work more, and

who have a greater command over the raw material; supposing you diminish the hours of employment, and lessen the power of individuals to earn their subsistence by honest industry: supposing all that, have you then promoted the moral character or the social comfort and welfare of the people? I haven't a doubt about your intentions. I admit the general principle, that it should be regarded as a rule that it is not the accumulation of wealth which is the great desideratum, but I want to show you that by your unnecessary interference, by legislating to supply the parental place, and to enforce morality by law, that by so doing you incur the hazard of defeating your own object, of diminishing the physical comforts, and of lowering the moral character of the people. And, Sir, looking at what the noble Lord has expressed, I am inclined to think that the noble Lord was trying to make a speech to vindicate his vote rather than to establish a principle which hereafter was to govern the legislation of this country. When he says that the Government must take up this matter, that interference must be extended to a hundred other trades—why deal in these generalities, which of course provoke a cheer? Why, after the noble Lord has been reading Adam Smith, and has been thinking upon the subject, why persist in dealing in generalities? Why does he not treat us to a little practical knowledge of the mode in which the thing is to be done. [Viscount *Howick*: I said extend the principles.] Oh! The noble Lord said, "I rejoice in your limiting the labour in the case of females in factories, because we see that it is a provident and beneficent principle; but it must be extended a great deal further, and we must interfere between the employer and the labourer, and we must teach the employer that he is not to make money out of the industry of the people." The whole of the noble Lord's speech was a vindication of that principle of interference for the purpose of promoting morality. Why, I will venture to say, that the principle laid down by the noble Lord will perfectly justify a compulsory attendance at Church. I am not astonished to hear the noble Lord say he will vote for the abolishing of monopolies, and for widening the sphere of labour; but to hear from the noble Lord doctrines which would lead to the establishment of inquisition into almost every trade, to hear from him that we are not to content ourselves merely with the production of wealth, but that we are to watch over the habits and morals of the people; why, there is not one proposal in former times for compelling the observance of any law which would not be justified by the wide principle the noble Lord lays down. I want to know by what mode he will set about carrying out these principles of provident and beneficent legislation? Looking at the moral character of the people—looking at their sense of wrong, at their hatred of oppression, at their philanthropy, at their charity, at their religious feeling, which have grown up with independence and freedom of action, depend upon it, your attempt to substitute legislative interference for that independence, and for that freedom of action, will change materially the character of the people. Sir, there is one point with respect to which I think we may be entitled to interfere with parental authority; there is, I think, one instance which would justify us in doing so. I doubt whether or not, in the case of proof of actual neglect of education and instruction, the Legislature would not be perfectly justified at least in supplying ample means of instruction: to compel instruction by law, I believe, in the present state of religious feeling in the country, would be attended with very great difficulty; but, in the case of factory employment, I think we are entitled to say at least, "you shall not subject your children to such an amount of labour as shall preclude them obtaining education:" that trenches on parental authority, no doubt. You insist upon it that there shall be an opportunity of gaining the elements of instruction. You have the means of enforcing that in the case of factories; and, because you have the means of enforcing that—because you find that the labour there has been excessive, and that you can control parental authority—that gives you a right to interfere in the case of factories. There is a practicability of making an exception in their favour, and I think upon the whole, that the advantage of according the means of instruction has been proved by experience to countervail the objections that exist against any interference. I think so upon the whole. I think it was a doubtful question. When there are 200 or 300 young children brought together, and you have the power of preventing the

abuse of their youthful minds, and of giving them a good opportunity for instruction, I think you are justified in doing so. With respect to females, I am quite aware that there is a material difference between the capabilities of the two sexes —that the law establishes it—that the law considers woman in many respects not a free agent — that the law controls the power of woman in many respects; assuming in the case of a married woman that she is entirely subject to her husband. There is this difference also, that there are circumstances connected with the female sex, particularly at the period of pregnancy, that make labour unfit for them; but still these circumstances alone are not sufficient to induce an interference with the great principle of allowing to all the power of determining for themselves what shall be the extent of the work and the nature of the labour to which they shall devote themselves. I think that the Act of 1833 was founded upon correct principles. I assume that it was right to restrain the labour of children. If you say that Act should be repealed, that is another question; but I assume now that it was right to restrain the labour of children. Then I say, with respect to females, that though I think the great principle of permitting to adults the free determination of labour should be respected, still I think that you ought not to subject females by your legislation to evils to which they would not be subjected if there were no legislation. The main vindication of your curtailing the hours of labour in the case of females to twelve hours arises from the fact that you passed a law limiting the hours of children. Men alone cannot work in cotton factories; then it is just possible for the females to be employed more than twelve hours in this way. The master manufacturer says, "without the aid of women and children I can't work my cotton; you prevent me employing children; I wish to work fifteen hours, but I can't, because you won't allow me children; but this I can do, I can employ women as substitutes for children, and, in consequence of your law, I am driven to the employment of female labour." The effect, is, then, that you make the necessity for the employment of females, and that you give them an inducement to labour which would not have been but for your enactment. I am quite willing to admit that that is an argument against your own legislation: you subject them to a disadvantage to which they would not have been subject but for that enactment. I assume that the Bill limiting the hours of children's labour is itself on the whole, comparing the advantages and the disadvantages, a Bill which ought to be retained. I am strongly inclined to think that it is such a Bill. The Reports of the Inspectors show upon the whole that the evil of legislative interference has been less than might have been anticipated, and therefore I think it to be a legitimate principle in the case of children; but, assuming it to be the case in their instance, I am desirous of applying a corrective in the case of females. I believe that the mischief which will arise in that case will be exceedingly small. There are very few mills which work more than twelve hours: there are some which work more, and in those married women are employed. All my right hon. Friend proposes is, to prevent the employment of women beyond twelve hours. The master manufacturers generally are not opposed to it. The great body of them are in favour of it. The factory Inspectors are in favour of it. I think at least four-fifths of the master manufacturers support it, and I admit it is an exception to what ought to be the general rule in these cases; but I accede to it, because I believe that the evil will be more than counterbalanced by the good which will in some instances result from it. Above all, I regard it as an exception arising out of and rendered necessary by your previous legislation, and upon that ground, I give it, after due consideration, my full and cordial consent. I should not have been provoked to rise upon this occasion, or to anticipate any part of the discussion, which will more properly take place upon the Motion of my noble Friend, but, hearing from a quarter I little expected a proposition which if carried out would diminish the comforts of the people, and impair their moral character, I was, on account of the respect I feel for the ability and integrity of the noble Lord, and the just weight which attaches to his opinions, desirous not to permit an interval of a moment to pass before I rose for the purpose of giving, perhaps an imperfect, but certainly a sincere reply to the arguments brought forward by the noble Lord.

Lord *J. Russell* said, it is related of Mr. Wyndham, who though he spoke with great ability, was apt to balance his argu-

ments—viewing the question first at one side and then at another—it is related of Mr. Wyndham that, having on one occasion made a very clever speech, he became so much involved by his own ingenuity, that he turned round to a Friend behind him and said, "Which way shall I have to vote?" Now I think that in the early part of the speech of the right hon. Gentleman, if he had recollected this caution, that some of the arguments which he made use of against my noble Friend might have been spared, because, when the right hon. Gentleman says, "See the mischief of interference—look at the evils that have been produced by interference with industry, and, above all, beware how you interfere with parental control as the true and effective guardianship of the child." I don't know how those arguments are used consistently with the subsequent part of his speech, in which he calls on the House to permit a further interference, not only to place the employment of children under the control of the State, and defends a measure which introduces a new principle of interference with adult labour. Sir, I am induced to ask, what has the right hon. Gentleman been arguing about, and whether he mean to vote for the Motion of the hon. Member for Bath, and, succeeding in a majority on that Motion, whether he mean to-morrow to give notice of a Bill to repeal the Act of 1833? I think that in the speech which the right hon. Gentleman has just addressed to the House he has done much to shake the Act of 1833, and the principle on which it rests. I think that the right hon. Gentleman has, in the course of his speech, said a great deal to show that we ought now to consider the question, whether we should go back to the place where we were previous to the legislation of 1833; but if, on the contrary, he means to support the proposition of his right hon. Friend near him, how can he reproach my noble Friend for advocating interference with labour, and for attempting to interfere with the relations between parents and children, and with the liberty of industry in this country? My noble Friend went into an argument with respect to the general principle on which you legislate on this subject. It happens that I agree on general principles with my noble Friend, but it often occurs that my noble Friend chooses to carry those principles further than I am disposed to carry them, and perhaps this is the case with respect to some of the remarks which my noble Friend has made on the present occasion. But my noble Friend argued in favour of the course which he intended to adopt, whereas the right hon. Gentleman argued in opposition to the course he is about to adopt, and against the Bill which he is about to support. The right hon. Gentleman has asked whether my noble Friend is in favour of reviving the law of compulsory attendance at Church. Now I think I have heard of an interference with respect to this very matter, proposed not by my noble Friend, but by the right hon. Gentleman opposite, in the Bill introduced last year—(with respect to education in the factory districts)—an interference which I should be disposed to applaud, on account of the motives that dictated it, and which I should be very glad to see carried into effect, if it could be done without any violation of the liberty of conscience, but which, as proposed by the right hon. Gentleman, placed the whole education of the children throughout the entire factory districts, under the Bishops and Clergy of the Established Church. This would have been the effect of the Bill if carried into effect; but the right hon. Gentleman reproaches my noble Friend with wishing to revive doctrines that would justify compulsory attendance at Church. The right hon. Gentleman says, if we interfere, how far do we propose to carry our interference—for that there are many labours more irksome, and many employments, the confinement attendant on which, is more unwholesome than the imprisonment in Factories. Now, in the first place, I think that nothing has been brought forward to show us that the interference produced by the Act of 1833 was mischievous—on the contrary, I contend that it has been beneficial, and, indeed, until it became necessary to raise an argument against the proposition of my noble Friend the Member for Dorsetshire, that Act has been generally admitted to have worked beneficially. One of the effects of interference has been, that persons are desirous to remove their children into mills which have been regulated by Act of Parliament, and to take them away from the employment of fustian cutters and other manufactories which are not under the regulations of an Act of Parliament. Therefore, where labour is per-

fectly free we have seen that the work-people themselves discover that in those places not under regulations they are exposed to ill health and long hours, whilst in the Factories regulated by Act of Parliament, they find good wages, together with wholesome and beneficial employment. Now, these are not instances which show that interference is injurious, and as you say you should limit your interference by acting on the principle that you should only interfere where your interference would do good, that would more than compensate any possible evil. The principle on which you interfere was stated to-night. You interfere in Factories, having found that they are large establishments into which Inspectors can easily enter, and where interference may be exercised without producing any very great evil. You act upon the principle that you ought not to interfere wherever there is a chance of your interference producing more evil than good. What is the great principle of your Criminal Law? You transport a person or send him to prison because he has stolen a loaf. There are instances where persons have turned round upon their benefactors and brought them to an untimely grave by persecution and ill treatment. It cannot be doubted that persons who act thus are more criminal than the poor man who steals a loaf, but you cannot attempt to punish them, because if you interfere at all, you must go through all the transactions of private life, and your interference would do more harm than good. Though you are convinced that they are more guilty and more criminal yet you cannot interfere, because if you attempted to interfere in cases of this kind, you would destroy the peace and harmony of the community. Wherever you can interfere beneficially—wherever you can see your way—wherever your interference is calculated to do good, there you ought to interfere; where it does not do good, there you ought to stop. The same rule ought to be applied with respect to other legislation. In 1833 the first question which we had to consider was, whether we should interfere at all, and the Government at that time fully agreed as to the propriety of interference, but they felt that they ought to appoint a Commission to acquire some further facts, and that Commission in their Report, made certain propositions, which in the Bill afterwards brought forward were carried into effect. They, at the same time, advised the Government not to be deterred by saying that things were impracticable or impossible because it was customary to apply those words to anything that was troublesome to carry into practice, or which was contrary to the usual custom. Now, what was the statement of this Commission with respect to the employment of children? It was, that the protracted employment had deteriorated the physical constitution of the children, and produced various diseases, some of them often altogether irremediable; and, secondly, that it produced an exclusion of the means of education—elementary and moral—or, where those means were accessible, rendered the children unable to profit by them owing to excessive fatigue. These were good reasons for interference. They were not based on any economic grounds connected with the production of wealth, but they were reasons suggested by the physical evils attendant on the persons thus employed for those protracted periods. It was a question which called for interference, and we have seen that that interference has been attended with advantage. A law was proposed by the then Government in 1833; that law was carried generally with the assent of Parliament, and it has produced good and wholesome effects in its operations. When we see such results produced, and when we see that interference has been attended with advantage, how can we refuse to consent to the general principle of interference? I say, that seeing that the principle has been beneficially carried into effect, I am rather encouraged than deterred by the experience that is before me. With respect to the introduction of that part of the Bill which interferes with adult labour, I own I do not think that the right hon. Gentleman the Secretary of State has made a greater advance in showing sufficient reasons for the introduction of that part of the Bill than he did on a former occasion. I have already said, and reflection has the more confirmed my opinion on that point, that it would have been the best course to have introduced a Bill which would not apply to labour beyond the age of eighteen or of twenty-one years. I think that twenty-one years of age would be the better limit. With this principle, coupled with the proposition of my noble Friend the Member for Dorsetshire, of first eleven hours and afterwards ten hours, as the

period of labour, I think that such a measure would be a better proposition than interfering with adult labour, for I think that every adult person ought to be free to choose his occupation, and to apply his labour as he might think best. The right hon. Gentleman has stated, that some evil has been produced by legislation with respect to children, and that in mills where they do not employ young persons for longer than twelve hours, they have introduced the labour of women. Any evils that may have arisen ought to be remedied, and it should be the effect of a measure of this kind to apply a remedy. With respect to the whole of this subject the hon. Member for Bath divides all who support the proposition of my noble Friend the Member for Dorsetshire, into two classes—namely, hon. Gentlemen opposite who, he says, are much annoyed at the interference of the hon. Member for Stockport in the agricultural districts, and those on this side of the House who, discontented in the cold shade of Opposition, think that the supporting of a proposition of that kind might embarrass Her Majesty's Government. Now, I think it would be much better if the hon. Member would not interfere in this manner. If he can give any good reasons why our vote was wrong, let him—if he can show that adult labour ought to be left free, and that great evil has been produced in the country by legislation on this subject, let him so argue; but the hon. Member, not content with supposing that he possesses all the wisdom and purity of the House, calls in question the motives that induce us to pursue the course we have taken on this question, and denies political integrity to everybody but himself. Now, without thinking it necessary to take any pains to vindicate myself, and those who act with me, on this occasion, I must say, that I really think that the hon. Member for Bath, in dealing out censures of this kind, is assuming a situation in this House which, perhaps, he is hardly entitled to assume. We may have been exceedingly mistaken in voting for my noble Friend (Lord Ashley's) proposition — my hon. Friend the Member for Sheffield thinks that we are—but what I have heard since I gave that vote induces me to think that we were not so very wrong, particularly as only a few nights ago I heard the hon. Member for Stockport declare that the time which was at present given by labourers in factories was unreasonable. Now I am sure if the time employed is unreasonable in its duration, there was nothing wrong or irrational in my noble Friend's attempting to alter that unreasonable time. I have heard it said, that if the Corn Laws were altogether repealed, the consequence would be that, as the labouring people themselves declare, they would not remain in the factories longer than ten hours, or twelve hours at the utmost. If this was the case, the ten hours' labour would not produce the same quantity of manufactured articles, and an enhanced price would be the consequence of that state of things; but without going the length of such a proposition as I have stated before, I think that a very large alteration of the Corn Laws, by which an increased quantity of food would be brought into the country, would promote the interests of the manufacturing operatives, and the general prosperity of the country. I think, however, if at once we took away the Corn Laws, it would be doubtful whether the consequences would follow of a reduction from twelve to ten hours labour, I doubt whether the anxiety of parents to send their children to earn more wages would not lead to greater employment than now takes place. At all events, having heard those opinions, I cannot think that my noble Friend will make an unreasonable proposition by proposing a Ten hours' Bill. I cannot vote for the proposition of the hon. Member for Bath, having already stated that I thought the best law would be one that would limit the interference to the period of twenty-one years of age.

Mr. *Ward* said, the right hon. Baronet had said that by the present law women had been placed in a worse position than they had been before without a law—that the House must now interfere directly, because they had before interfered indirectly—that in spite of Adam Smith, and the broad principle that capital and labour should be left to take care of themselves, interference was necessary in order to correct the evils that were growing up around us. The House had been told that they must adopt a new and bold principle of legislation, that they must lay violent hands upon the whole adult population of the country, and instruct them what was their real interest. The noble Lord, the Member for London, said, that when he interfered he wished to see his way clearly. He wished

also to see his way clearly, but that was exactly what he could not do if he followed the noble Lord in this case, for he did not think the noble Lord himself could tell where his own principles would leave him. He did not think that the new principle of intervention was proved to be right or necessary. Although a case might be made out to a certain extent for interference in the case of children, he was not sure that all the principles of the Act of 1833 had worked to the interest of those it was intended to benefit. There were complaints from the factory inspectors that the first effect of it had been to throw 10,000 children into infinitely worse employment, and that many of them went into the Coal Mines, until the time came when the law allowed them to return to the factory. The Act of 1833 was passed when the House and the country were under the influence of one of the most extraordinary delusions that had existed in this country since the days of Titus Oates, produced by the partial, one-sided, evidence given before Mr. Sadler's Committee. The noble Lord (Lord Ashley) seemed to have learned nothing, and forgotten nothing, since 1832, for his argument in favour of a Ten hours Clause rested upon a revival of all the horrors which had poisoned the mind of the country in that year. But the whole tenor of the evidence of the Factory Commission, and the Factory Inspectors went to show how utterly unfounded were the statements of 1832. The noble Lord, however, revived all the charges then made. His speech was a speech against the manufacturing system of this country. If his statements were accurate, why not go along with the hon. Members for Oldham, and Knaresborough, and come down at once to eight hours labour. The question could not be dealt with upon such grounds. The noble Lord must admit, that some of his charges had been recently proved to be entirely unfounded. He had made several strong allegations against the system, as affecting married women. Now, there had been prepared, with the greatest care, a statement, the result of an inquiry into the condition of no less than 412 factories in Lancashire, and Yorkshire; and it appeared that out of 116,000 persons employed in those factories 61,000 were females, and of them only 10,000 were married women. The noble Lord had said, that out of 22,000 factory operatives, who turned out in 1832, only 108 were above the age of forty. Of the 10,000 married women, the husbands of 5,000 were employed in the same factories as their wives; and 3,400 more of them were accounted for, as being employed in other works connected with the cotton manufacture. The noble Lord had alleged that ill health arose from the excessive fatigue, privation of sleep, and constant standing in one position; and the noble Lord also dwelt much upon the frequent accidents. Now, the paper, to which he had just referred, proved that the number of accidents occurring in factories wasgreatly below those which occurred in almost any other branch of industry. The last charge of the noble Lord was, that a preference was given to the employing of married women, for the reason which appeared to him (Mr. Ward) to be very unfair and invidious. The noble Lord said, that the reason why married women were preferred, was not, that the labour was more suitable for them—not because they were willing to work for less wages than men—but it was because their attachment to their offspring compelled them to use their utmost exertions in order to provide the necessaries of life for them; and the noble Lord went on to say, that thus were the peculiar virtues of the female character perverted, and all that was most beautiful and tender in their nature made an instrument of their sufferings; and then the noble Lord appealed to the House, and asked if Parliament would impose upon the women of England the perpetuation of such a burthen? But here lay the fallacy of the noble Lord's whole argument. He seemed to presume that Parliament had a choice in this matter. It was a peculiar error of the noble Lord, and of those who supported him, to assume that it depended upon the House of Commons whether married females should be employed or not. Their employment, and the necessity of it, were subject to other more controlling causes. But with respect to the condition of females in factories, he (Mr. Ward) believed that women employed in factories were better off, as regarded wages, comforts, and morals, than those employed in any other labouring occupation. The noble Lord, the Member for Newark, whose authority could not be disputed, went over the mill of Mr. Ashton, at Hyde, and was occupied the whole day in inspecting the operations going on, and on his leaving the mill he said, "Well, Mr. Ashton, I cannot conceive what Lord Ashley is driving at in wishing to interfere with

such a system as this." It was well known that those labourers who had come into the manufacturing towns from the agricultural districts had declared that they would rather be transported than go back into the agricultural districts again. These were strong indications that there was nothing so very vicious in the system as to call upon the Legislature to interfere. A strong case ought undoubtedly to be made out before any such interference met the sanction of the House. He had never listened to a speech with more curiosity in his life than he had done to the speech of the noble Lord, the Member for Sunderland (Lord Howick). Although all the other speeches in favour of this Measure had failed to convince him that the proposition of interference was wise, still he felt perfectly satisfied, that when he should have heard the noble Lord, he should see his way so clearly as to have no difficulty whatever on his mind upon the subject. Now he had heard the noble Lord, and he confessed, that after listening attentively to all the noble Lord had said, it appeared to him that the noble Lord had made that darker, "which was dark enough before." It was his own inability, no doubt; but he really could not comprehend the noble Lord's principles at all. This being so, ought he (Mr. Ward) to assent to the proposition upon the mere chance of its success? The House could not venture to chance it. The question had in several parts of the country been put to the working people — "Were they willing to chance the Measure?" This might be all well enough for the boys and girls, in the factory districts, but it would not do for the fathers and mothers, who were responsible for the support of their children, still less was it a principle to be acted upon by the British House of Commons. The right hon. Baronet (Sir R. Peel) had laid down most admirably the principles upon which the House could concur with the Gentlemen who called upon them to interfere with labour, and the principles upon which they could not. On the questions of education, and of religion, and of police, there could be no difference of opinion. That these things should be properly attended to, all were agreed. The only question on which any difference arose was, whether they could improve the condition of the working man by restricting his hours of labour? All parties went together up to that point. It seemed to him most singularly cruel, and the most unwise experiment that ever suggested itself to the mind of a practical Statesman. The hon. Gentleman concluded by reminding those who supported this Measure, that the document upon which they were most inclined to rely did not always bear out the view of the case which they were supposed to be in favour of. The noble Lord, the Member for Dorsetshire, had quoted several cases which had been given in a report by Mr. Horner, the Factory Inspector. Now, Mr. Horner was a very able man, and certainly sufficiently qualified, by his station and intelligence, to give an opinion upon this important subject. And what was it that Mr. Horner said? In his report of 1837 he observed, that—

"He had in the discharge of his functions as a Commissioner of Inquiry, and an Inspector of Factories, during the course of the last three years, visited as great a number of factories as perhaps any individual had done. Having done this, he deemed it an act of public duty and justice, considering the relation in which he stood to the millowners, and the references so constantly made to his district, to give a most unqualified denial to those general accusations that were made as to the deprivation of health that characterised factory employment. He felt himself the more urgently called upon to express this, his firm conviction, at the present time, because he found that statements which had been recently made on different occasions were calculated to make a great impression on the public mind, and had been giving fresh currency to a very erroneous impression as to factory labour fostering prejudices that were most unjust against a large and respectable portion of the community."

Mr. Horner also stated he was satisfied that "no unprejudiced observer could come to any other conclusion, that in no occupation could there possibly exist among the working people a larger proportion of well fed, well clothed, healthy, and cheerful-looking people." It had been argued that those who supported the noble Lord in his Measure for suppressing female labour in coal mines were pledged to the principle of the present Bill; but that was a fallacy. He supported the noble Lord in that Measure, because it was proved that female labour in coal mines gave rise to conduct of the grossest indecency, and immorality. He put it down as an offence against decency. It was not an interference with adult labour, but, in the case of the employing females in factories, there was no instance of decency being violated or immorality encouraged. The hon. Gentleman concluded

by declaring it to be his intention to support the Motion of the hon. and learned Member for Bath.

Lord *Ashley* said, that as the hon. Member for Sheffield had thrown out some direct charges against him, of having made misstatements to the House (as we understood the noble Lord to say, but the very indistinct tone in which his Lordship spoke throughout his speech, prevented us from hearing much that he said)—the hon. Member having made these charges against him, it was absolutely and indispensably necessary that he should endeavour to reply to the hon. Gentleman, or at any rate to substantiate the statement he (Lord Ashley) made on the 15th of March last. It was not his intention to have troubled the House at all this evening, and most assuredly he should not travel into that other subject, which had been reserved for a single and subsequent debate. He thought it would be far more fit that the great question of the limitation of the hours of labour should be discussed upon the coming on of the Motion of which he had given notice. He hoped that in the few observations he should make he should not be betrayed into any angry language, notwithstanding that both in the House and out of it, terms considerably offensive had been used against him. He would not, however, be provoked by any such language into an intemperate reply. He thought the question was one of too mighty an importance to be interfered with by the petty and miserable personalities and imputations of motives that might have been indulged in. He would first reply to that part of the hon. Member's speech in which he asserted that his (Lord Ashley's) whole statement was made entirely to depend upon the evidence taken in 1832. Now, it so happened that in the whole of that statement he only once made reference to the evidence of 1832. The only testimony that he adduced in the statement was, that all the great medical men of the country, who deposed to the great leading fact, which was true under all circumstances, and at all times—as true a hundred years ago as now, and would be as true a hundred years hence as at this moment; namely, that the physical organization of woman wholly disqualified her for long protracted labour, and particularly in a standing position. That was the only statement he quoted from the evidence taken in 1832. The hon. Member had quoted the evidence taken in 1833, which had been taken from the report of the Factory Commissioners, who sent out persons to collect testimony against the evidence produced before the House in 1832. But what did these Commissioners themselves say? In the 25th page of their Report of 1833, they stated that the peculiar and immediate effects of factory labour were fatigue and sleepiness, and that all the children who were questioned were uniform in the statement of their own feelings as to these effects. This was the result under all circumstances. Whether the factories enjoyed pure air or impure air, whether they were under the best or under the worst management, whatever might be the nature of the work, whether light or laborious, whether the treatment was kind and conciliatory, or strict and harsh—the account from the children was invariably the same. This excessive fatigue and privation of sleep produced pain in various parts of the body, swelling of the feet, &c., all arising from the constant attention, the peculiar attitudes of the body, and the peculiar motions of the limbs which were required in factory-labour. These facts were borne testimony to by the most eminent medical men, and these were the facts which he (Lord Ashley) quoted to the House; observing that the peculiar attitude of the body, the peculiar motion of the limbs, together with the elevated temperature and the impure atmosphere in which the labour was often carried on, terminated in producing incurable disease. This was the testimony of the Commissioners in 1833. They recommended that for all children under thirteen years of age only eight hours labour should be admitted, and that not more than ten hours labour should be allowed to children beyond thirteen and not above eighteen years of age. It was necessary that he should reply to two or three statements which had been circulated throughout the House and the country, and more particularly to a document which purported to be a memorial presented to the Members of the House of Commons, in the name of 200 firms extensively engaged in the cotton, wool, and similar trades, and to be signed by Mr. Henry Ashworth. He had communicated to Mr. Ashworth in writing that if the facts contained in that memo-

rial were true, which so directly contradicted all that he had asserted in the House, it would be utterly impossible for him ever again to rise in the House and make a statement, or have any right to expect the least attention or confidence from those who heard him. This memorial, signed by Mr. Ashworth, contained two or three very important allegations. It first contained a direct denial of the statement which he (Lord Ashley) made as to the distances travelled by the children, and the next point it touched upon was as to the source of the evidence adduced by him. The third charge, and the most grievous one was, that he had misquoted a foreign writer—M. Villermé—who had written on the subject of employment in mills and factories. When he first read this memorial, he wrote to Mr. Ashworth, and proposed to him as a means of verifying the statement he (Lord Ashley) had made respecting the distance travelled by children in factories, that Mr. Ashworth and Mr. Greg should meet two gentlemen manufacturers of great experience—the hon. Member for Oldham and Mr. Kenworthy—and that they, assisted by two operative spinners, should remeasure the ground by the same process which was made use of on the original admeasurement. Those Gentlemen declined that proposition. They suggested a variety of other ways, which it was absolutely impossible to adopt. In short, they were exceedingly unwilling, under all the circumstances, that the remeasurement should be made by that process. They declined that proposition, and he could only say that he had reconsidered the matter with the eminent mathematician who made the original calculation, and that Gentleman asserted most decidedly that he would maintain to the last every Measure he had made; but over and above all, he (Lord Ashley) had a greater confirmation still, for he had the testimony of thirty-four delegates of the operative spinners of twenty-one of the greatest manufacturing towns in Lancashire. Those persons met, and took the whole matter into consideration, and made a Report thereon, in which they not only confirm all that he (Lord Ashley) had ventured to assert, but in many instances greatly exceeded it. He had received many kind letters from different master-manufacturers, all differing as to the amount of distance, but in every instance they went very considerably beyond any calculation laid down by Mr. Ashworth. But there was a great fallacy running through Mr. Ashworth's statement, which he was the more anxious to show, as the charges made against him were couched in no measured terms. The fallacy consisted in this:—he (Lord Ashley), in his calculation, took the movements of the "piecers," whereas Mr. Ashworth took the movements of the "spinners." It was well known that the "piecers" on an average took two steps for every one step taken by the "spinners." This he would maintain upon the authority of the thirty-four operative spinners, who were ready to give evidence of the fact, either at the Bar of the House or before a select Committee. Nothing could give them more satisfaction than to meet a representative body of the master millowners, for the purpose of bringing to a conclusion this question. It appeared that in order to make out the number of miles walked by the "piecers," the average of all the hands in the factory had been taken, which was obviously unfair, as he wished only to show the number of miles passed over by the "piecers." Where there were self-acting mules he believed that the number of miles was greater than in other mills. His statement had been drawn from certain mills, not the mills of his Friends but his opponents, and it was by those calculations he stood. The avarages he had given were 22, 24, 30, 19, and 21. With respect to the number of females occupied in mills, there was a tabular statement which had been put out by the millowners. From 412 cotton-mills in Manchester and neighbourhood—

Total number of operatives	116,281
Of these females	61,098

Why was this taken from so small a surface when there were at least 2,000 mills? But the House would observe that his (Lord Ashley's) statement was drawn from the official Reports in 1839, namely—that the number of females in all the cotton-mills formed 56¼ per cent. of the whole body of operatives in that department. He had also stated the return of Mr. Orrell's mill in Stockport, in 1843, to show that numbers were increasing—

Total number of hands	1,264
Females	846

The statement of mill-owners omitted altogether the

Females in worsted...69½ per cent.
Ditto in silk.. ..70½
Ditto in flax.. ..70½

He would like to know whether, in the selection of these 412, all the weaving mills were included or excluded, because in those was the great proportion of females. His statement as to the age of the persons above forty, was partly taken from a Letter of Mr. Ashworth himself, written in 1833, where he talked of an old man as unfit for work at forty, and the number of men above forty he found by the Table to be only 8 per cent., whilst, in some agricultural districts with which he had made a comparison, the number above forty years of age exceeded 50 per cent. A charge also was intended to be made against him when it was said that 95,643 were able to read out of 116,000: he had relied on Mr. Horner's Report, and he had been told by many on the spot, that many had said they could read, but were never examined, and when rebuked by his fellow workmen, one said, "I did not like to say I could not read." To very few was the test applied. As to the charge not only of want of accuracy, but in some instances of want of veracity, he must say a few words in the statement of Mr. Ashworth, and he attached greater importance to it, as it professed to represent 200 firms, there was a charge made against his veracity. Talking of the debate of March 15, it was said—

"We have before us the important fact that the only one of Lord Ashley's witnesses mentioned by name in the report of the debate was thoroughly discredited, and finally abandoned by the noble Lord himself. * * * We cannot tell how many of them (his statements) were furnished by William Dodd."

The House would recollect, after his disclaimer in that House of any degree of information derived from William Dodd, that Mr. Ashworth and the 200 master manufacturers asserted that he mentioned the name of Dodd as the only authority. It did so happen that he never did mention the name of Dodd; and he had counted the names of those from whom he did derive the information he quoted, and they amounted to twenty-nine, besides reports of public inspectors and public documents. This was the way in which these Gentlemen published documents, circulated among Members; and impugned in the most outrageous manner, he would not say a Member of the House, but an individual who had endeavoured most cautiously not to say anything that could not be substantiated. Here was a charge also of garbling evidence in the most monstrous manner, which was really too bad. He thought he should be able to show that his accusers had garbled in a more fearful manner. The statement cautioned the House how it trusted any statement from him, because they showed "from the use, or rather abuse, that has been made of a foreign statistician, how little reliance can be placed on the anonymous collections of pretended facts at home." They went on to say—

"The speech attributed to the noble Lord quotes the authority of M. Villermé, to prove the tendency of the cotton manufacture 'to produce coughs and pulmonary consumptions and early death.' So far is M. Villermé from making this statement, or anything like it, that he strongly asserts the direct contrary. He does, indeed, attribute such a tendency to one branch of the manufactures as practised in France—the process of batting cotton; but the practice has been disused in England for more than twenty years; and M. Villermé himself states that the mechanical invention by which batting has been superseded, wherever he has found it, completely obviates the evil."

M. Villermé, spoke of carding as well as batting; he added too that numerous as were the victims of these diseases, "leading to their premature death, they seemed less deplorable than the development of scrofula in the mass of the work people engaged in the manufacturing districts." What, he asked, did they continue to say? "M. Villermé deprecates legislative interference with the factory labour, as of injurious tendency to the working classes." He had gone through the whole book, and he had only found one passage against interference, that had only been in part quoted in the statement. M. Villermé said that "he saw no good in establishising a maximum of labour, as coupled with a minimum of wages," the last part dropped out of the statement. In his conclusion M. Villermé urged the necessity of putting the large factories under some government or law, to determine the maximum of labour for children, so as to prevent abuses.

"My task is at last finished; if I have been enabled to impart my opinions—above all, if I have been enabled to convince my readers of the urgent necessity of putting the large collective manufactories under a system of government, or under a law which should determine a maximum of daily toil for the chil-

dren, according to their age, and so prevent the abuse, carried even to the sacrifice, of these unfortunate creatures, I should have nothing further to desire. There is no doubt that twelve years ago the Measure in question would have been rejected by everybody as a species of madness; but look at the progress it has made! In foreign countries Governments are adopting it; at home manufacturers are asking for it, even against their own interests; and the Chamber have thought themselves obliged to press upon the notice of Ministers the Petitions praying for it. It will be with this reform as it was in the last century with the abolition of torture, and as it is in these days with the emancipation of the negroes. In France public opinion is taking up the question, though only three years have have elapsed since it was first mooted, and the Measure which I desire will be sooner or later the result. But we must not be content with waiting for it; we must hasten it by all possible efforts."

Yet he was told that he had taken a liberty with the confidence of the House in his former statement. Again he was charged with painting the fac ory system in colours which were not a true description. It would be recollected that the statement he had made was drawn from evidence on the spot, and from masters who were more conversant with the matter than he was. He could turn to a passage in the letter of a Gentleman who must be a good authority, a letter from Mr. Kenworthy, who was partner in the great house of Hornby and Kenworthy, than whom no one was so capable of forming an opinion, for he had been himself an operative, and had gone through all the degrees till he had risen to the station of a partner. He (Lord Ashley) had never said anything so strong as did that Gentleman—

"Englishmen are proverbially industrious—they cannot live in a state of idleness, yet occupation is wanted by a great number of hands, who are willing and able to work; and this state of things exists, too, in the face of the lamentations of suffering thousands, who cry out with all their voice for relief and relaxation from excessive and too greatly prolonged labour in the anxious and contaminating atmosphere of our manufactories. Let the British nation be degraded no longer by the toleration of such a system, which exercises the most demoralizing influence over its unhappy victims. Let us release from our confined mills and factories, after a reasonable period of labour, the suffering thousands who are rendered weak and emaciated by long and excessive toil, in atmospheres loaded with noxious gases, which experience has demonstrated to be the most detrimental to the health of the human species. How abominably absurd and inconsistent it is that the suffering thousands, who have so often called and patiently waited for the redress of their grievances, should have their miseries protracted, under the delusive notion of the dangers arising from foreign competition? Justice and humanity call aloud for a legislative act to remedy the evils of the long hour system. I entreat all those who are interested (and who is not?) to give every consideration to a subject of such vital importance to the welfare of this country, and to lend an active and energetic helping hand, to snatch from the vortex of disease, immorality and crime, in which they are engulphed, the major part of the manufacturing artizans — the wealth of Great Britain."

If they charged him with exaggeration, they must charge Mr. Kenworthy also; and if they did not, let them not attribute these expressions to aristocratic or agricultural antipathy, and let him at least be exonerated from the charge of dishonest and wilful exaggeration. Let the hon. Member who charged him with exaggeration read the various reports at the different meetings which had taken place in the country, and the evidence afforded in the speeches of the Rev. D. Hearne, the Roman Catholic Priest at Manchester, who could not have any sympathy with him, and of Robert Sutcliffe:—

"It was moved by the Rev. D. Hearne, Roman Catholic Priest, of Manchester, at a meeting at Manchester, April 19, 1844, That this meeting is fully convinced that if it was made known to Her Majesty the Queen, that two-thirds, and in very many instances, three-fourths of the factory workers are females (many of them wives and mothers), she would use her Royal influence for, and sympathise with them. The great majority of them were persons of her own sex and many of them mothers. He was no new recruit in the cause of the factory children, for a dozen years ago he advocated it in company with Mr. Oastler; this, too, was not the first time in which he had united with the Clergy of the Established Church in the cause of humanity and charity, to whose sincerity he paid a well merited tribute. When he reflected upon his situation in the town—that a whole mass of his people were operatives; and when he reflected how often he had held the tiny bones and flabby flesh of their infants on the font—he felt he should be acting against the suggestions of conscience not to stand forward in defence of the cause of factory children and factory women."

And Robert Sutcliffe, an operative, at a meeting at Halifax, on the 13th April, 1844, said—

"With regard to their own families, he

would say, as the father of several daughters, that Lord Ashley's Bill was well worth struggling for alone. If they did not wish their daughters to grow up completely unfit for every domestic duty which, as wives and mothers, they would be called on in after life to discharge, they must insist on a curtailment of the present excessive and protractive toil they endured in the factories. He had daughters at work in the factory—they were required to get up at five in the morning, and they did not get home till eight in the evening, and they were then in such a state of exhaustion, both of body and mind, they were altogether unfit to learn anything of household economy. If they had a little sewing to do, in mending their clothes, they no sooner sat down than they began to nod, and sank to sleep, in spite of all their efforts to keep themselves awake. Mr. Baines said that factory labour, particularly in the flax and woollen mills, was not unhealthy; that was not the fact. He was in the habit of meeting hundreds of the operatives in the flax mills at Holbeck, and they were more like walking corpses than young women. The contrast between them and country girls was so great, that the two seemed to be inhabitants of different climates."

He could assure the House that he was perfectly aware that he was trespassing on their indulgence; but he hoped the House would do him the justice to recollect that it was not his intention to make a speech, and though the subject was of great interest to him he had determined not to say a word; but where the veracity of a public man was called in question, unless he could justify himself, he might as well abandon his seat at once, and retire from Parliament. He only asked the House to hear the evidence corroborative of his statement. He was sorry that any hon. Gentleman should have accused him of speaking against the millowners; he had spoken of them as men having done the greatest good, the humanity of some of them for their workpeople could not be surpassed; some of them were the best friends he had in the world, and he could quote amongst them instances of munificence which could hardly be equalled in our generation; but there were exceptions in every position, and he had carefully drawn the distinction. He had stated that he had been borne out by the statements at these meetings; was there a more distinguished surgeon than Mr. Samuel Smith? He had declared that he would abide by all the evidence given before Mr. Sadler's Committee. At Blackburne, Mr. Langley, a surgeon, had confirmed his statement of the evil effects of the system on the physical condition of the people; and at a great meeting at Bolton who was the Chairman, Mr. J. Moor, a surgeon of forty years' practice, who stated that unless something was done, the race would go on degenerating till it would be absolutely deformed. A meeting of millowners and manufacturers had taken place, and the first resolution they adopted was in these words—

"That the hours of working now customary for women and young persons in the mills in this place and its neighbourhood are not oppressive to the work people, nor injurious to their health."

Mr. Smith at the Leeds meeting, on the 10th of April, in reference to this, said—

"First of all he would say, that these Gentlemen were not at all competent to give an opinion on that question. He himself had been sent for by Mr. Sadler, to give his opinion before that Commission, and he gave it in simple plain language founded on intimate personal knowledge, and a very extended experience. It was known to many of those present at that meeting, that he had been, for upwards of a quarter of a century, one of the principal Surgeons of the Leeds Infirmary. He had seen the practice of that Institution nearly thirty-seven years, and long before the factory question was agitated either by Mr. Oastler or Mr. Sadler, he had felt very keenly, indeed, upon the subject. Every case of the injurious effects of factory labour which came under his attention, he had made it his peculiar business most minutely to investigate. The evils were actually worse than they had been represented by Mr. Sadler. As a practical man, he had long been accustomed to see the injurious effects produced by the protracted labour of young persons in factories; he therefore begged again most positively to contradict the resolution which had been come to by the mill-owners to whom he had alluded. He was ready to stake his professional reputation upon this point, and to declare, that they had stated what was not the fact. He knew that twelve hours' work in a standing position in factories was positively injurious to any young persons, and more particularly to females. Let those persons who gave their opinion so readily that twelve hours factory labour daily was not injurious to females and young children, in an erect posture, without a sofa to lie down upon, or a chair to rest on, but constantly following the machine; let them try their own daughters upon such labour, and after six weeks' trial he would be bound to abide by their opinion on the subject.

Mr. J. B. Langley, the surgeon, at a meeting at Blackburn, 22nd of April, 1844, said, the mind, the intelligence, of the working classes never could be pro-

properly developed under the present system of long hours; that system not only debased the mental and moral character of the people, but exercised a most injurious effect upon their physical condition. Scrofula was extensively prevalent, and he had been horror-struck to find how few factory families were without some burthen. In most instances there was some member of a family of an age to work, but who was unable, and consequently dependent on others. The system, as now pursued, was most destructive to children and injurious to mothers. Was it right that such a system should continue? Mr. John Moor, surgeon, at a meeting at Bolton, April 18, 1844, stated,

"Unless something was done to improve the condition of the factory workers, the rising generations in the manufacturing districts would be debilitated more than the present, and so generation would go on until the human species would be everything but extinguished. As a medical man, of forty years standing in the town of Bolton, he had no hesitation in making this declaration. The ravages which, in his capacity of surgeon, he had witnessed from scrofula and other diseases, consequent upon confinement to the mills had been so disastrous, that he did not hesitate to say, that if the system of confinement in the mills for so long a period each day was continued much longer, there would be but few engaged in factory labour who would escape deformity. In many cases which came under his own knowledge, inflammation of the feet and legs ensued, which had to be followed by amputation. From these and many other considerations, he was decidedly of opinion that ten hours labour in factories was even more than could be endured without injury to the human constitution."

One other of his statements, and it was the last to which he would allude, had been called in question. He had made it on the authority of a medical man in Lancashire, that long protracted labour had a most injurious effect, especially in cases of pregnancy, that varicose veins had formed and bursting, ended in death. One witness had since mentioned a case within his own knowledge analogous to the one he had quoted in his opening:—

"John Tomlinson, an operative, at a meeting at Blackburn, April 22, 1844, seconded the Resolution, and stated a striking fact, as bearing upon the twelve hour system. It was but the other day that an overlooker rushed into the room in which he was working, in the last hour of the factory day, announcing that something had happened. On going to see what was the matter, he found that a married woman, advanced in pregnancy, was bleeding profusely in consequence of a blood vessel in one of her legs bursting, and a pool of blood was on the floor of the room. He had assisted in carrying this poor woman home, and he could not help thinking, that if she had not stood the last hour of the twelve, that accident which might possibly disable her for life, would not have occurred."

He would content himself with having adduced the evidence in support of his statements. He certainly would not enter into the merits of the question as to the amount of interference with the labour of adults; he gave his cordial and conscientious support to the Clause in the Bill. He was not answerable for the principle, because he had not propounded it; but having said that all he had formerly stated had been borne out at these different meetings in the country, he had only to thank the House for the attention with which they had heard him, and declare that he should vote against the amendment.

Mr. *C. Wood* said, that the question raised by the hon. and learned Member for Bath was a question of principle, being a question whether the House would or would not interfere with the discretion of adult persons in the regulation of their own labour, and to that question, and that question only, should he address himself. Painful as it was for him to differ in his Vote from those with whom he usually acted, and painful as it was for him to differ from their reasons, he must say he never gave a Vote with a clearer conscience than the Vote he was about to give in favour of the Motion of the hon. and learned Member for Bath. The House would hereafter come to the Vote on that which had been treated as a question of detail, namely, the number of hours during which labour should be regulated. On that occasion he should have very little difficulty in making up his mind, for he thought that if it should be the pleasure of the House to affirm the principle of interfering with labour, then the best thing that he could do would be to see that it was interfered with as little as possible. What had been the grounds taken by the hon. Gentlemen who had supported the opposite course? The right hon. Secretary of State told the House, that the course he was proposing was wrong in principle. The noble Lord the Member for London was against regulating labour above the age of twenty-one. His noble Friend the Mem-

ber for Sunderland (Lord Howick), though he voted in consistency with himself, which was more than could be said of the others, yet when he came to carry his principles into practice, would probably find he had some little difficulty to encounter. Let it be remembered that the Government were now departing from principle for the first time. What a door were they opening! They admitted they had abandoned principle, and that they had nothing to guide them but the caprices (for such they seemed) of hon. Members with respect to what should be the number of hours of labour. The Government thought they should be twelve. The hon. Member for Leeds said eleven. The hon. Member for the West Riding would have ten and a half. The noble Lord the Member for Dorsetshire, said ten, and he (Mr. C. Wood) had even heard eight mentioned, and why the House should prefer one period rather than another he could not make out. The right hon. the Secretary for the Home Department and the right hon. Baronet (Sir R. Peel) had stated that this measure was necessary in consequence of the measure of 1833, which regulated the labour of children; but in his (Mr. C. Wood's) apprehension that Measure depended on a totally different principle—the principle of protecting those who could not protect themselves. On that principle he was prepared to act again; had they interfered with the factory labour of children, why not carry the principle further? He could not see why a number of children collected together in a large building called a pottery was not as much to be protected against an injurious amount of labour as a number of children collected together in a large building called a cotton factory. To be consistent, hon. Gentlemen should bring in a Bill, not to regulate factory labour, but to regulate the labour of children generally. What had been the effect of the Act of 1833? To drive children from more healthy to less healthy employments, and if they had brought about this end by their legislation as to children, was it not reasonable to suppose that if they passed this Bill they would produce the same effect with regard to adult females. The right hon. Baronet (Sir James Graham) had told them that the Bill of 1833 was meant not only to restrict the labour of children, but all factory labour to twelve hours per day; but that the intention of the Bill had been evaded by substituting the labour of adult females for that of children, and thus working for a longer time. Hence the necessity for the present Bill to prevent that evasion, and to enforce the limitation of all factory labour to twelve hours, by limiting to that time the labour of grown-up women. This was a statement of the object of the Bill of 1833, which he believed the noble Lord (Lord J. Russell), and his friends near him, heard with surprise, but, however that might be, if the object of the present Bill was as stated by the right hon. Baronet, that was to say, if it was intended by it to limit the hours of labour in factories generally, let the House do it, not indirectly in this way, but by stopping the machinery at once; then they would be sure that there could be no mistake or evasion of the Law. That was what the workmen in fact wanted; what they asked for was, not the limitation of the hours of labour of women and children, but the limitation of labour generally. So said the Member for Knaresborough, and the vicar of Leeds who took the chair at a meeting in that town a short time ago, openly avowed that. "We want to stop the mills," he said. He for one objected to the course of the Government altogether; he adhered to the principle of Adam Smith, believing it to be most unjust and most injurious to the workman to interfere with his discretion as to the management of his own labour; he (Mr. C. Wood) was not of opinion that legislation ought to do for him what, if he liked, he could do for himself. The hon. Member for Finsbury had observed, and he agreed with him, that the workman, without any legislative interference, might effect all this for himself. He had heard of many strikes for wages, but seldom, if ever, of a strike for short hours. The workmen of Sheffield had by peaceable means, without any strike, or violence, limited their hours of work: he believed the result would be most mischievous to them: but they had accomplished this object for themselves and other workmen might do as much elsewhere. Before he sat down, he owed it to the House to refer to a statement he made on a former occasion to the House, in which statement he had been accused of misrepresenting a large portion of his constituents. The hon. Member for Knaresborough had alluded to a large meeting of his (Mr. C. Wood's) constituents at Halifax ["No, no"] —he begged pardon, then it was the hon. Member for Oldham (Mr. Fielden), who had attended there, and had put questions to the meeting. Now, he would at once

frankly admit that the opinions of the persons there assembled was in favour of a limitation to ten hours. But what was his statement to the House? What he said was, that up to that time he had received no representations from his constituents in favour of a limitation to ten hours. In fact, he had received no representations at all on the subject of a Ten Hours Bill, either one way or the other. The question put to the meeting was, whether any person had made any representations to him against a Ten Hours Bill. The fact, as he had stated it, remained, uncontradicted, and any man would judge from this, that there was no strong feeling in favour of a Ten Hours Bill. He believed that such a Measure would tend materially to deteriorate the physical condition of the operative; that it would not conduce to the improvement of his moral or religious condition, or raise the value of that which had been called the working man's most sacred property—his labour. He was ready, however, to remove all the restrictions on the employment of labour which our general legislation imposed. He would give the fullest development to the industry of the country. When they had done that, they would have done all they could; when they had done that he should be as ready as the noble Lord (Lord Ashley) to take care to provide for the religious instruction, for the education, for the recreation and amusement of the operatives, and for such Measures as would prevent their habitations being, as now, a source of disease and misery. For these grievances, and all of them, he (Mr. C. Wood) was ready to apply a remedy, but he did not see how any man who looked at the present position of the people could think their condition would be improved by shortening the hours of labour, and thus diminishing the amount of their earnings, as proposed by this Bill.

Mr. *Ainsworth:* I hope I shall be permitted to address the House for a short time on a matter personal to myself. In the course of the speech of the hon. and learned Member for Bath, I took the liberty of dissenting from some of his observations, when the hon. and learned Gentleman observed I was always intolerant. Now, as I never expressed an opinion on this subject, except by vote, I do not think I stand under the imputation of being intolerant. I think in discussing a Measure of this great importance, we should not bandy personal charges, but, viewing it in a calm and deliberate manner, come to that conclusion which was the most just. The House cheered the remark of the hon. Gentleman, and I now wish to know whether he really did intend to charge me with intolerance? I shall oppose the present Motion, having received instructions from the working men in the town which I represent to give the twelve hours Clause a most decided opposition. As to the benefit of legislative interference, I appeal not only to factory inspectors, but I say that those who have lived like myself, in manufacturing districts, have seen that legislative regulations did no harm to the masters, and were a great blessing to the poor. One consequence of it alone was enough to justify it—the superior cleanliness and ventilation of the mills. The factory inspectors reported, too, that before the Legislature took it up there was no instance of the slightest regard being paid to the education of the children. All the people ask is, that the Government should go on in the same direction, wisely and judiciously. I, for one, think that eleven hours would give the greatest satisfaction to the men, and not inflict the slightest injury on the masters. In 1832, the very arguments now urged against interference were appealed to, and one master manufacturer said he should go to the other side of the water if such a Bill as that proposed passed. Yet all those predictions of decline of trade were utterly unfounded.

Mr. *Roebuck* could only say, that whilst he was speaking there was a running commentary kept up behind him, which he was anxious to put a stop to; but if he used the word complained of, as applied to the hon. Gentleman, he was sorry for it. He certainly had intended to designate a class of Members in that House as considering themselves infallible, and as not very tolerant towards others.

Mr. *Fielden:* I was present in this House when the hon. Member for Halifax made a most extraordinary statement. I went to a meeting at Halifax, for the purpose of testing its accuracy. These were the words I used at the meeting:—

"The hon. Gentleman said in his place, that the working men of Halifax were opposed to altering the hours of labour, except under the belief that the diminished time of labour would not lead to diminished wages; and that he had not received from any body of his

constituents, or from any individual, any representation on the subject, or any request in favour of short time."

These were the words which the hon. Gentleman uttered on a former occasion, but which I do not think he gave quite accurately to-night. Now, I put those words to the meeting, which was as full as it could be packed, and which was composed of several of the wealthier classes in Halifax, and of a great number of working men. I asked them,—

"Did Mr. Wood fairly represent you when he made this statement [*cries of* 'No, no']?" I beg to repeat another question, "Do you wish the Ten Hours Factory Bill should be passed without delay [*cries of* 'Yes, yes']?" Then I put a third question, "Are you willing to run the risk of wages being reduced if a Ten Hours Bill pass [*loud cries of* 'We are']?" Then I put this fourth question, "Do you authorise me to state this to the House of Commons [Yes, yes]?"

That is my answer to the representations made as to the feeling of the working men of Halifax. Having done here what I stated I intended to do, I have done with the subject. I have no doubt the hon. Gentleman has as kind feelings towards the working classes as any man; but I do not believe he fairly represented their views in the statement he made in this House, and if he will go to Halifax and call a meeting in the Odd Fellows-hall, and take the sense of the people on this subject, I am convinced he will be as persuaded that he did not give a true representation of their sentiments as I am. Now, as to the question before the House. The hon. and learned Member for Bath has made a motion which amounts to this, that the principle which said that poor women in factories should not be worked more than twelve hours a day was a bad one. Oh, but said the hon. and learned Gentleman, "these factory labourers have the power of protecting themselves if they will only turn out." Now, do you wish for a repetition of the turns-out in Yorkshire and Lancashire. If some of you had been in that part of the country as I was during those scenes, you would not so readily recommend a recurrence to them, nor would you have felt very comfortable when Manchester was, I may say, in the hands of the insurgents, and they might have done what they pleased there. It is not wise to encourage such turns-out. The hon. and learned Gentleman says, that all protection is injurious. Now, I do not believe any such thing. At any rate, I have always looked upon it as the duty of the Legislature to protect the weak against the strong, and that is the protection I contend for. Though it may be difficult to enforce, we should never be deterred from it where practicable. All acknowledge it is practicable as to factory labour. Then why not put it in force? Your inspectors recommend it. It is true the mill-owners complain of them. I should prefer not being subjected to their visits myself; but the condition on which we hold our liberties is to give up some that we may better secure the remainder. The hon. and learned Member for Bath says, we do a great injury to the labourer by interfering with him at all. And this from one of the most zealous supporters of the New Poor Law. Before that Bill passed the poor had a stake in the land of which you could not deprive them—no man in England need starve in the land of his birth. But the hon. and learned Gentleman and the other supporters of that Bill clamoured for the principle "that the poor should be thrown on their own resources." That is a specimen of his protection. The hon. and learned Gentleman, as a lawyer, can talk glibly, of course; but if the arguments he gave us against interference be all he can produce, he had much better mind his business in the Courts of Law. The hon. and learned Gentleman says, he does not think prices will rise if we do less. I do not think he knows anything about the matter. However, I was informed at the Halifax meeting that for seven hours and a half, in Leeds, they got more wages than they did formerly. The working people have got it into their heads (whether rightly or wrongly) that they work too hard and produce too much, and that, if they did less, manufacturers would get better prices, and workmen better wages. There was a feeling abroad in favour of a diminution of labour, and it was reasonable that the factory workpeople should have the advantage of the limitation to ten hours a day. He believed that those who employed them and those who did the work would be better off and happier, if that step were taken.

Mr. *Mark Philips* said, that a more anti-national speech than that of the hon. Member for Oldham he had never heard. The hon. Member wanted to divide the trade of this country, and place a part of

it in the hands of foreigners. He believed it was a known fact with reference to the trade of Sheffield that the combinations which had taken place in that town for short hours of work and high wages had driven a large and valuable portion of the trade of Sheffield entirely out of this country, and sent it into the hands of the German manufacturers. He had been engaged in the foreign trade himself, and he was convinced that no trade in England had suffered more than that of Sheffield from the cause he had stated. If, from various causes of that sort, it was sought to secure higher prices in the shape of wages than could fairly be given—the demand and supply regulating each other, as they ought to do—then he would say that they would not only have the hardware trade of Sheffield placed in jeopardy, but the cotton trade as well. He was not prepared to take any such course; he was not prepared by such rash legislation to risk interests so vast as were involved in the trade of this country. It was his intention to vote with the hon. Member for Bath. Nothing ought to guide them as to a restriction of the hours of labour. He could not vote with those who would affirm that it was right and just to interfere with adult labour in this country. He would just as soon think of the Legislature naming an hour of the day when a man's hand, should be tied up, as that they should interfere in any way with the present laws of labour. There were not more than four or five manufactories in Manchester working more than twelve hours a-day. He did not wish to see the labouring population working for a longer period; he should be glad indeed if they could obtain sufficient in ten hours, but he was sure they could not in the present state of things, he must enter his protest against interfering with the laws of adult labour.

Mr. *Parker* said, that as the town which he represented (Sheffield) had been so frequently alluded to, he would only address a word or two to the House. He was one of those who took his stand upon the law passed in 1824, that a man had a perfect right to use his labour as he pleased, to make the best of it whenever opportunities occurred. It appeared to him that the interference with adult labour, commenced for the first time this Session, was fraught with great danger. He could not agree with the hon. Member for Oldham; he felt that if the course of legislation which he suggested was adopted, there would be an end to the prosperity of this country, for we should soon find ourselves in a declining position. He felt it was the duty of persons representing large and important districts of the country, as he did, to take their stand at once upon a plain and intelligible principle, and not to talk of ten hours, or eight, or six, but to say that with the adult labour of this country, the Legislature had no business to interfere. The working class had a distinct right to use their labour as they pleased, and whatever number of hours they chose to work, Parliament had no right to attempt a limitation. With respect to the other question, if they once admitted the right of interference, it then became a question of degree, and his course would be to vote for the least possible interference with adult labour that the House would permit; but he would still take his stand upon the principle that the House had no right whatever to interfere in any way. As to the infant labour, that was a different matter. It was quite discretionary whether they would fix the period at which labour should begin, that would depend on circumstances which were fair matters of discretion, and which might be dealt with without interfering with the principle.

The House divided on the Question that the words proposed to be left out stand part of the Question:—Ayes 282; Noes 76; Majority 205.

List of the Ayes.

Ackers, J.	Bankes, G.
Acland, Sir T. D.	Baring, hon. W. B.
Acland, T. D.	Baring, T.
Adare, Visct.	Barnard, E.
Adderley, C. B.	Barrington, Visct.
Aglionby, H. A.	Barron, Sir H. W.
Ainsworth, P.	Baskerville, T. B. M.
Aldam, W.	Bateson, T.
Alexander, N.	Beckett, W.
Alford, Visct.	Beresford, Major
Antrobus, E.	Bernal, R.
Arbuthnot, hon. H.	Blackburne, J. I.
Archbold, R.	Blackstone, W. S.
Arundel and Surrey Earl of	Blandford, Marq. of
Ashley, Lord	Boldero, H. G.
Astell, W.	Borthwick, P.
Bagge, W.	Boyd, J.
Bagot hon. W.	Brisco, M.
Bailey, J.	Broadley, H.
Bailie, Col.	Broadwood, H.
Baird, W.	Brotherton, J.
Baldwin, B.	Browne, hon. W.
	Brownrigg, J. S.

Bruce, Lord E.
Bruen, Col.
Bruges, W. H. L.
Buckley, E.
Buller, C.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Busfield, W.
Butler, P. S.
Campbell, J. H.
Cardwell, E.
Chapman, A.
Charteris, hn. F.
Chelsea, Visct.
Christopher, R. A.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, hn. W. N. R.
Colquhoun, J. C.
Compton, H. C.
Conolly, Col.
Coote, Sir C. H.
Corry, rt. hn. H.
Courtenay, Lord
Cowper, hn. W. F.
Crawford, W. S.
Cripps, W.
Damer, hn. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douro, Marq. of
Duff, J.
Duncombe, T.
Dundas Admiral
Du Pre, C. G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, W.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Fielden, J.
Ferrand, W. B.
Filmer, Sir E.
Flower, Sir J.
Forbes, W.
Forester, hon. G. C. W.
Forman, T. S.
Fox, S. L.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquis of
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, J. H.
Hamilton, Lord C.
Hanmer, Sir J.
Hardinge, rt. hn. Sir H.
Hardy, J.
Harris, hon. E. A. J,
Hatton, Capt. V.
Hawes, B.
Hayes, Sir E.
Heathcote, G. J.
Heathcote, Sir W.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Howard, hon. C. W. G.
Howard, Lord
Howard. P. H.
Howick, Visct.
Hughes, W. B.
Hurst, R. H.
Hussey, A.
Huesey, T.
Hutt, W.
Ingestre, Visct.
Inglis, Sir R. H.
James, Sir W. C.
Jermyn, Earl
Jervis, J.
Jocelyn, Visct.
Johnstone, Sir J.
Johnstone, H.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Lambton, H.
Law, hn. C. E.
Layard, Capt.
Lefroy, A.
Lennox, Lord A.
Liddell, hon. H. T.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
McNeill, D.
Mainwaring, T.
Manners, Lord C. S.
Manners, Lord J.
March, Earl of
Marsham, Visct.
Martin C. W.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, W.
Milnes, R. M.
Morgan, O.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Murray, A.
Napier, Sir C.
Neeld, J.
Neeld, J.
Neville, R.
Newdegate, C. N.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Owen, Sir J.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hon. Col.
Plumptre, J. P.
Plumridge, Capt.
Polhill, F.
Pollington, Visct.
Powell, Col.
Pringle, A.
Protheroe, E.
Pryse, P.
Pusey, P.
Rashleigh, W.
Rendlesham, Lord
Repton. G. W. J.
Rice, E. R.
Richards, R.
Rolleston, Col.
Rushbrooke, Col.
Russell, Lord J.
Russell, J. D. W.
Ryder, hon. G. D
Sanderson, R.
Sandon, Visct.
Seale, Sir J. H.
Seymour, Sir H. B.
Shaw, rt. hn. F.
Sheppard, T.
Sibthorpe, Col.
Smith, A.
Smith, rt. hn. R. V.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stanley, E.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Sutton, hn. H. M.
Tennent, J. E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Troubridge, Sir E. T.
Turnor, C.
Vane, Lord H.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Walsh, Sir J. B.
Wawn, J. T.
Welby, G. E.
Wellesley, Lord C.
Williams, T. P.
Wodehouse, E.
Wood, Col.
Wortley, hn. J. S.
Wortley, hn. J. S.
Wyndham, Col. C.
Yorke, hn. E. T.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Anson, hon. Col.
Barclay, D.
Baring, rt. hn. F. T.
Bell, J.
Bellew, R. M.
Berkeley, hn. C.
Berkeley, hn. G. F.
Bowes, J.
Bright, J.
Buller, E.
Colebrooke, Sir T. E.
Collett, J.
Currie, R.
Dalmeny, Lord
Dawson, hn. T. V.
Dennistoun, J.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Ellice, rt. hn. E.
Elphinstone, H.
Escott, B.
Evans, W.
Ferguson, Col.

Fitzwilliam, hn. G.W.	Pechell, Capt.
Forster, M.	Philips, G. R.
Gisborne, T.	Philips, M.
Gore, W. O.	Ricardo, J. L.
Hastie, A.	Rous, hn. Capt.
Hay, Sir A. L.	Scott, R.
Hill, Lord M.	Seymour, Lord
Hodgson, F.	Shelburne, Earl of
Howard, hon. J. K.	Stansfield, W. R. C.
Howard, hon. H.	Stuart, Lord J.
Hume, J.	Strutt, E.
Humphery, Mr. Ald.	Talbot, C. R. M.
Labouchere, rt hn. H.	Tancred, H. W.
Langston, J. H.	Thornely, T.
Leveson, Lord	Traill, G.
Marshall, W.	Trelawney, J. S.
Marsland, H.	Villiers, hn. C.
Martin, J.	Wall, C. B.
Maule, rt. hn. F.	Warburton, H.
Mitcalfe, H.	Wemyss, Capt.
Morison, Gen.	White, H.
Morrison, J.	Winnington, Sir T. E.
Norreys, Sir D. J.	Wood, C.
O'Ferrall, R. M.	Wrightson, W. B.
Ord, W.	
Oswald, J.	TELLERS.
Parker, J.	Roebuck, J. H.
Pattison, J.	Ward, H. G.

House went into Committee and resumed. Committee to sit again.

House adjourned a quarter past one o'clock.

HOUSE OF LORDS,

Monday, May 6, 1844.

MINUTES.] BILLS. *Public.* — 1ª. Debtors and Creditors; Roman Catholic Penal Enactments.

2ª. Courts of Common Law Process (Ireland).

Private.—1. Willenhall Chapel Estate (Fisher's).

2ª. Northern Coal Mining.

Reported.—Yarmouth and Norwich Railway.

3ª. and passed: — Manchester and Leeds Railway; Midland Railways Consolidation.

PETITIONS PRESENTED. By Earls of Yarborough, Stradbroke, and Winchilsea, from Thorndon, and an immense number of places, for Agricultural Protection.—By the Bishop of London, from Belfast, and several other places, against the Dissenters Chapels Bill; and by Lord Camoys, from Ballynahinch, and 3 other places, in favour of the same. — By Lord Lyttleton, from Llanddeiniolen, and Framland, against the Union of St. Asaph and Bangor.— By Lord Campbell, from First Cloghill, and 15 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers (Ireland). — From Debtor Prisoners in Lancaster Castle, in favour of Creditors and Debtors Bill. — From Limerick, against the Municipal Corporations (Ireland). — From London, for Legalizing Art Unions. — From Abertarff, against Abolishing Religious Tests in Scotch Universities.

COMMON LAW PROCESS (IRELAND).] On the Motion of Lord Campbell, that the Bill be read a second time,

The Earl of *Wicklow* wished to know what was the necessity of two Bills for the same purpose for England and Ireland? Could not a few words added to the English Bill suffice to extend its provisions to Ireland?

Lord *Campbell* explained that the different forms of the legal proceedings in the two countries rendered the two Bills necessary.

The *Lord Chancellor* confirmed the noble and learned Lord as to the necessity for two Bills. He had no objection to the Second Reading of the Bill; he rose in consequence of some observations made by the noble and learned Lord when he introduced the Bill upon the conduct of the Irish Government. Nothing could be more inconvenient than for the noble Lord to make charges against the Government without giving notice, so that the necessary explanation might be given upon the spot. The noble and learned Lord had read certain letters written by a solicitor to the noble Lord the Secretary for Ireland. Now, the subject of those letters had been duly attended to, but it was thought that the alterations, if necessary, should be made by a general measure, and not by one confined to Ireland alone. It was not thought fit that the Government of Ireland should stir, but that the general Government of the country should take up the matter. That was the explanation he (the Lord Chancellor) had to offer.

Lord *Campbell* said, it had not been his intention to make any charge against the noble Secretary for Ireland, but the letters he had read, showed the extreme inconvenience which arose from the existing state of the law. This was pointed out to Government in 1840, in the strongest terms, and down to 1844 nothing had been done.

The *Lord Chancellor* said, the same evils the noble and learned Lord pointed out as existing in 1840, had existed from all time. They had existed when the noble Lord held the office of Attorney General, and he had done nothing to remedy them.

Bill read a second time.

THE APPOINTMENT OF MR. O'BRIEN.] The Marquess of *Clanricarde* rose to submit to the House the Motion of which he had given notice, relative to the appointment of Mr. O'Brien to the office of Stipendiary Magistrate in Ireland. The subject might be considered as too trivial to engage their Lordships' attention, but the grave consequences that ensued and the

impression that was produced upon the public mind in Ireland, from acts of the executive Government apparently in themselves of small importance, rendered such appointments as the present matters worthy of deep consideration. If circumstances had occurred—no matter what—which had sent forth an impression among a large body of her Majesty's subjects, that the wish professed by the Government to insure to them the sound, just, and impartial administration of law was not entirely sincere—at such a moment it behoved the servants of the Crown to be cautious in the appointments they made, and to take care that, in no case, there should be one of which the propriety and justice could be questioned. He had now to accuse the servants of the Crown of having made an appointment of that kind. Not many years ago it was laid down by a high authority, that in Ireland there was one law for the rich and another for the poor, and that neither was administered with impartiality. Whether that was true or not, at the present time he was not called upon to say; but all records of the history of that country showed that in times gone by justice, whether administered by natives or strangers, had been, almost uniformly, administered most foully. The consequence of that state of things had been most disastrous; it had engendered feelings of distrust on the part of people towards their rulers, and dissatisfaction with the results; and although this state of things might now be greatly altered in respect of these causes, yet the effects remained evident in those murders and assaults for the purpose of revenge, and those cases of perjured evidence which too frequently occurred. The people of Ireland had been much misrepresented in this particular, for it would be found by statistical returns that the amount of crime in Ireland, in proportion to the population, was less than in this country. Irish people were as virtuous in their character as any of her Majesty's subjects. But in this country, when a man committed a crime, he was outlawed from society; while in Ireland, however the people might dislike the crime or the criminal, still there was such a disgust and distaste to the Law that there was a general disposition to screen any man who might become obnoxious to its power. The long series of oppression which had been exercised under the forms of Law had led the people to distrust the feelings of the higher classes towards them; but this state of things was now much ameliorated, and he hoped would be still more so. The first reform on this subject was begun, he believed, by that illustrious statesman Lord Wellesley, who in the year 1823 revised the list of magistrates, and checked the abuses committed by them in the exercise of their magisterial power. The consequences of the Act were more important than the Act itself; for, though only a few names were expunged, the principle was proclaimed that Government were determined that justice should be done by all the tribunals of the country, and this example had been followed by every succeeding Government. Lord Wellesley did not confine himself to improving the exercise of the magisterial functions; he introduced a reform of the Courts of Quarter Session. Formerly the Assistant Barristers were appointed at the recommendation of the county Member; but, in consequence of the regulations introduced by Lord Wellesley, they were selected by advice of the Law Officers of the Crown. Again, the appointment of Stipendiary Magistrates, which originated in the necessity that Government should have efficient aid in administering the Criminal Law in disturbed times, had been found so useful, that they had been considerably increased, and their appointments made permanent. But he was obliged to declare his conviction that, in the case of Mr. O'Brien, Government had made an improper appointment, and one for which it was impossible that they could offer any justification. Mr. O'Brien was a Gentleman of about twenty-eight years of age, the nominal possessor of a small estate, destined by his parents for the Law, but having, up to the present moment, no profession whatever, except that of a Stipendiary Magistrate. Mr. O'Brien did not go far in his preliminary steps to the legal profession; he was attracted by the sweets of private life, and gave up the pursuit; but, finding that these soon cloyed on his palate, he determined to embrace the career of public life, not that he had any particular qualifications for it, except the possession of that which was sometimes called energy and sometimes violence. He adopted, however, the strongest proceedings on the subject of Repeal, at a time when the question had not become one of the general and all-pervading interest which it had latterly engrossed in Ireland, and when the agitation regarding it was at a very low ebb. Mr. O'Brien repaired to those parts of the country with which he was connected, and worked extremely hard in

the service of the agitators. Until he went thither, there was probably not a quieter part of Her Majesty's dominions than the county of Galway; but he created a great noise, and made speeches in Galway and Tuam, and other towns, and signalised himself by addressing his celebrated letter to the Member for Mayo, which his noble Friend (the Marquess of Normanby) had read to their Lordships on a former occasion in a letter, of which nothing could surpass the impropriety, unless it were the absurdity. And having written this letter he got up a dinner to the party to whom it was addressed, at which he made a most violent speech. Regarding himself, no doubt, as having attained some local success in this walk—having become a provincial star, and now wishing to figure on the metropolitan boards, he went up to Dublin and made his appearance on the stage of the Repeal Association at the Corn Exchange; but whether the Dublin audience had not been accustomed to mere vituperation, without some little admixture of argument, or whether Mr. O'Brien's was not of the calibre to suit them; whatever might be the cause, his appearance there was a total failure. Mr. O'Brien, however, determined to make one grand push for fame, and on one occasion, made his appearance on the same arena accompanied by a host of friends. His theme was the Earl of Shrewsbury's letter to Mr. O'Connell, and on this subject he indulged himself so freely in the most violent language, and used such expressions as rendered it necessary to stop him. But there was considerable difficulty in doing that — he was interrupted several times, but the violence of his language increased, and the Gentlemen who were there, and who did not know that they were conspirators at that time, and who were determined that there should never be cause for an indictment for sedition against them, insisted upon Mr. O'Brien sitting down, and he was compelled to do so by the meeting, and soon after a change came over the spirit of his politics. They next heard of him in a Law Court. Mr. O'Brien was summoned before the Lord Mayor of Dublin for not paying his servant's wages; and what was the defence of this Gentleman, who had been appointed to a situation in which he was to hold confidential communications with the Government and with the gentry and aristocracy of Ireland, as well as to obtain the respect of the people by executing the law with impartiality? Why, he pleaded against the jurisdiction of the Lord Mayor, that the services of the servant were performed in another part of the country. Mr. O'Connell was the then Lord Mayor, and did not see the legal force of this plea, and he disallowed the plea. He (the Marquess of Clanricarde) did not know that these things had had any effect in producing the change which had taken place in this Gentleman's politics, but it did so happen that on being turned out of the Association he changed his politics, and having done so, the manner in which he chose to advocate the new line he had taken up was by constant intemperate abuse of Mr. O'Connell. He would not trouble their Lordships by again reading Mr. O'Brien's letter, but he would quote some of Mr. O'Brien's expressions with reference to Mr. O'Connell. He was not going to discuss Mr. O'Connell's character, but he would mention those expressions that their Lordships might judge of the propriety of applying such language to a Gentleman, who, in whatever estimation he might be held by their Lordships, as a Gentleman, a lawyer, or a politician, was undoubtedly regarded by the people of Ireland with the highest esteem and affection; Mr. O'Connell's popularity had been tried in every possible way, and be he divinity, or be he demon, there could be no doubt he was the idol of the Irish people. Mr. O'Brien had called Mr. O'Connell "a fellow," "a monster," "a hireling agitator," "a cunning impostor," "a rebel," "one only born to grace a gibbet, or fertilise a foreign soil." Such was the literary taste and ability he displayed. He (the Marquess of Clanricarde) contended that Mr. O'Brien had been appointed not only in spite of, but on account of, these writings, and it would require the production of strong evidence by the noble Lords opposite to satisfy him that he was not. He hoped their Lordships would observe the tone of argument which those noble Lords thought should guide the upper classes in forming their political opinions. In November, 1843, then, this Gentleman, as was stated by Lord Eliot, in a speech attributed to him, of which he held in his hand the Report, was recommended to the notice of Government. He must say, that in this speech, that noble Lord had been misled into making a statement quite at variance with the facts of the case, deceived, as he of course must have been, by his information; that statement he (the Marquess of Clanricarde) was prepared to prove at their Lordships' bar

not to be consistent with truth. Lord Eliot was reported to have said that "Mr. O'Brien is a member of an old family, was brought up to the Bar, and although not called, he had received a legal education, and was a Gentleman of large independent property." As to the oldness of his family, he was quite ready to admit that, but it was a matter of very small importance, but that Mr. O'Brien was a man of independent property he totally denied. He was aware that Mr. O'Brien was the nominal owner of an estate in Galway and another in Roscommon. He said the nominal possessor of these estates, because he held in his hand a list of the judgment debts which had been recorded in the Courts of Law against that Gentleman. He would not state the amount, but it was known to every attorney about the Hall of the Four Courts. Mr. O'Brien was recommended, by respectable persons, said Lord Eliot, as "a man of ability, of integrity, and of honour." He knew how easy it was to say "respectable persons," but he wanted to know who the persons were—he would like to see whether they were Lieutenants or Deputy Lieutenants, or Magistrates of counties? When he first thought of bringing this matter to their Lordships' notice, what occurred to him was, to move for a copy of the recommendations, if any there were, sent by the Lord Lieutenants of counties or Deputy Lieutenants. He had, however, abandoned this intention, lest he might be told that such recommendations were confidential. He had no hesitation in saying, that it was rumoured strongly that the recommendations were from Lords Roden, Clancarty, and Lorton —if so, let any of the noble Lords rise in his place, and say that Mr. O'Brien was his friend, or state that they had met him on terms of equality in that class of society in which, according to his appointment, he ought to mingle. Again, it was possible that Mr. O'Brien might have eat a few dinners, but it was a mere abuse of the term to say that he had had a legal education: his having abandoned the pursuit of the profession, showed that the studies and habits which it required were unsuited to his bent of mind. He had brought forward the Motion with very great reluctance, but it was forced upon him by those who thrust a man with such a character into a situation to mix and correspond confidentially with the Government and the Gentry of Ireland. Well, three months after he was appointed to his office, he was to be sent down to Nenagh, but the Gentry remonstrated against that, and applied to the Government to save them from the infliction of his presence. It was then stated that he was to go to the county of Down, but there, too, representations were made against him and the appointment was cancelled. Then he was to be sent to Castlebar, in Mayo, to the representative of which his celebrated letter was addressed — precisely the place of all others where, from the circumstances which had lately occurred with reference to its bench of magistrates, a man of judgment, station, and weight should have been appointed. He must say a few words as to the persons to whom this gentleman had been preferred. No one who knew Ireland could be ignorant that there was a large list of candidates from whom Stipendiary Magistrates might have been obtained. But there were some persons who had especial claims upon the Government with regard to appointments of this nature—he referred to the Stipendiary Magistrates who had been dismissed when a reduction was made in the number some time since. The Government had admitted that those gentlemen had some claim upon them, and they had shown their sense of that claim by re-appointing four out of those seven gentlemen. One of these gentlemen was Mr. Blake, whose case shewed the effect of that under-hand back-door influence which was suspected to be at work in the Castle of Dublin, to the great detriment of the service of the Crown. The Government went on re-appointing the Stipendiary Magistrates who had been dismissed in regular rotation, until they came to Mr. Blake who was passed over and the appointment was conferred on a gentleman of great worth, but who was junior to Mr. Blake. Mr. Blake was a Gentleman who lived in the best society of the country, esteemed by all who knew him, and had been a Magistrate ten years before he had been appointed a Stipendiary Magistrate, and during his whole life he defied any man to show an intemperate act or expression of which he had been guilty. Mr. Blake had been employed as Stipendiary Magistrate in the county of Cork, and when dismissed received an address signed by upwards of seventy justices, Clergymen and Gentry, at Michelstown, where he had been stationed. This was the man passed over in favour of Mr. O'Brien. Why, if Lord Lorton or he (the Marquess of Clanricarde) had appointed Mr. O'Brien a Magistrate either of the county of Gal-

way or Roscommon, they would have soon heard from the Magistrates on the subject of such an insult. But Mr. Blake was an old, tried, unpaid justice. The Government, when first it came into office, avowed that when they found their own friends fit for any vacancies which occurred, they should appoint them. Now, there was a gentleman whom he happened to know (Mr. Wallace) who had applied for the office of a Stipendiary Magistrate. This gentleman was what used to be called a Tory, but what was now softened off to Conservative. He never applied to the Whigs, but when a Conservative Government came in a friend of his, representing one of the most important constituencies in Ireland, submitted his name to the Lord Lieutenant as a candidate for a Stipendiary Magistracy. He happened to know this gentleman rendered very important services as a Magistrate to the country after the Clare election, during the years 1831 and 1832. Being a man of great physical power, he used the greatest exertions by day and by night to put down the disturbances. The Vice-Lieutenant, every one of the Deputy-Lieutenants, and fifty of the Magistrates of his county bore testimony to the admirable manner in which this gentleman fulfilled the duties of his office for fifteen years. But because he was a discreet man, did not write violent letters, and maintained his opinions as a Magistrate and a gentleman should do, Mr. O'Brien was preferred to him. There was an argument made use of by his noble and learned Friend (Lord Brougham) on the last debate on this subject, which really surprised him. It was with great reluctance, and, he must add, some dread, that he alluded to any arguments of his noble and learned Friend. His noble and learned Friend, with that readiness of invention, and fertility of resource for which he was so remarkable, said, on a former night, that the Opposition should not complain of this appointment of Mr. O'Brien, as when they were in power they had appointed Mr. O'Connell to the Mastership of the Rolls and Mr. Sheil to the Vice-Presidency of the Board of Trade. He could not for the life of him see the parallel between Mr. O'Brien and Mr. O'Connell. At one time, Mr. O'Connell was considered as the most eminent man at the Irish bar —at all times he had been looked upon as a great lawyer. He was a man of great general abilities, of great political importance—great in every sense of the word. It was a misfortune that he allowed himself to indulge in terms of personal invective and violent vituperation, which even his friends condemned, and the question was, whether, setting aside such outbreaks in his political life, he would not have made an admirable Judge. He did not say whether his noble Friends were right or wrong in nominating such a man to such an office, but one thing was quite clear that the Tories had always attacked the then Government for having made such an offer, which was cited by them as a good precedent, but improperly cited. On what ground, then, appeal to such a nomination as a justification of Mr. O'Brien's appointment, supposing them to be parallel cases? But then his noble and learned Friend appealed to his right hon. Friend's (Mr. Sheil's) appointment. Where did Mr. Sheil make a violent Repeal speech? In his place in Parliament, where it became him to express his opinions; but there was a great difference between a man expressing his views in a constitutional and proper (however able) manner in one of the Houses of Parliament, and making use of violent and improper terms out of Parliament. Mr. Sheil was never a member of the Repeal Association; and could it be said that because he once voted for Repeal, he should not become a Member of a Government which gave no encouragement to Repeal? He had no objection to Mr. O'Brien's entertaining opinions one way or other on repeal; but what he did condemn was his indecent intemperate expression of them, first on one side and then on the other. But his noble and learned Friend (Lord Brougham) urged another ground of defence. He said this patronage of Government has made a proselyte—it had converted a violent Repealer into an enthusiastic defender of the Union. He did not much wonder at the jocose reception this remark met with in their Lordships' House: but it was the most unhappy justification the Government could put forth as regarded Ireland. What was the greatest sin, not only proclaimed, but deeply felt, as regarded the past Government of Ireland? It was this sea of corruption. What was the best argument of the Repealers? That the Union was notoriously carried by Mr. Pitt through the grossest and most barefaced corruption. That was one of the strongest arguments with him against the re-establishment of an Irish Parliament. But the people of Ireland of all classes, and whether for or against the Union, felt most deeply the degradation inflicted on their country

by the application of this system of corruption. To that system the Irish people attributed the passing of all the Acts of Parliament of which they complained, and of the grievances which they had suffered. He should move with confidence the following Resolution :—

"That the Appointment to the Office of Stipendiary Magistrate in Ireland of a Person who has published intemperate and violent Expressions of extreme Opinions upon those Questions which agitate the Public Mind in that Country, is not calculated to maintain Confidence in the steady and impartial Administration of Justice, which it should be the Object of such Appointments to insure."

He begged, in conclusion, to say that this was no party Motion. The Government could set aside Mr. O'Brien's appointment without difficulty, and without the confidence in them as a Government being shaken. He wished they would give Mr. O'Brien three times as valuable an appointment; but he did not think the Government could excuse, and he defied them to justify his nomination to a judicial appointment in Ireland.

Lord *Wharncliffe* said, that whether this was intended as a party Motion or not, no one could have heard the words of the Resolution, and the speech of the noble Marquess, without feeling satisfied that their intention was to pass a censure on his noble Friend, the Lord Lieutenant of Ireland, for having made this appointment, and also on the Government here, for not having induced the Lord Lieutenant to annul it. He meant to meet the matter boldly. He meant to tell his noble Friend he considered his a party Motion—to tell him more, that he looked on it as a censure on the Lord Lieutenant and on the Government, and that they were now on trial for the offence, it was alleged, they had committed. Now, in the first place, the appointment was one which rested with the Lord Lieutenant—undoubtedly the Lord Lieutenant was bound to see that the person appointed was a fit and proper person. But, then, the noble Marquess said, that the Lord Lieutenant had passed over some Gentlemen whom he ought to have appointed. He must be allowed to say, the Lord Lieutenant was the best judge of the claims of those Gentlemen. He believed Mr. Blake was appointed the day before the late Government went out of office. [The Marquess of *Clanricarde*, "No"] Well one of the Gentlemen rejected was, and the other mentioned could not, he understood, perform the duties of the office from ill-health. But he did not attach any weight to such a circumstance —the Lord Lieutenant appointed the person he thought fittest. The noble Marquess talked of corruption—but how did he make out that case? [The Marquess of *Clanricarde*: "No, no."] The noble Marquess said he did not accuse the Lord Lieutenant of corruption—all that he accused him of was this—that this Gentleman having been a Repealer, and having changed his politics, having taken such a decided step, and having used strong and violent language (he did not deny it) against his former associates, the Government thought it right to prove, through him, that if a person abstained from Repeal-politics, and from practices which Government then thought and think now were dangerous and treasonable, it was right to mark their sense of such a proceeding. He put the appointment fairly on that ground. He did not deny that he laughed heartily at the letter of this Gentleman read on a former night; but there was nothing in that letter which showed he was unfit for the office of stipendiary Magistrate. How did it affect Lord De Grey? In October, 1840, this letter was written; in the following October Lord De Grey went to Ireland, having never, in all probability, seen this letter. In the September following there commenced a series of letters in the *Dublin Packet*, and continued until the following May. These letters were known to be written by Mr. O'Brien, and in them he gave his reasons for having changed his mind on the subject of Repeal, and he must say, they appeared to him very good reasons. First, he stated he was convinced by the arguments of Mr. S. Crawford against the Repeal; but, in the next place, he founded the change in his views on the sympathy sought from America and France; and he must say, that he was not much surprised, that, though this Gentleman might have been previously favourable to Repeal, and wishing that measure to be advocated by rational and proper means, that he should at this time have suddenly paused in his support of that question, when he found Mr. O'Connell pursuing that course which he had taken in reference to France and America. He was not surprised, that when Mr. O'Brien had found himself connected with a cause which was then approaching to treason, he should have suddenly withdrawn himself from the ranks of the Repealers. There was much

in those letters which, as a matter of taste, he could not approve of. But he found speeches and publications circulated on the other side in Ireland which were quite as bad in the way of taste. This Gentleman fairly, candidly, and to the world, stated the grounds on which he changed his opinions, and he (Lord Wharncliffe) thought they fully justified the step he had taken. The first application to the Government on behalf of Mr. O'Brien, or any one connected with him, was at the end of 1842, when his brother-in-law (a Mr. Kehoe) received an appointment in the constabulary. It was not until November, 1843, that any application was made in behalf of Mr. O'Brien himself. This showed that for two years after the present Lord Lieutenant came to Ireland, and during which this Gentleman brought on himself the odium and abuse of his fellow-Repealers, he remained without soliciting any appointment from the Government. His own application was supported by the testimonials of several most respectable persons. He did not feel called upon to give the names of those parties, but undoubtedly they were most respectable. These letters had been sent to him, but they had been returned. The Lord Lieutenant, however, thought it right, through personal communication with Mr. O'Brien, to ascertain whether he was fit for this office. He employed two Gentlemen for this purpose, and they bore the most complete testimony to his fitness for such an office. The Lord Lieutenant felt anxious to show, that though persons might have held opinions in favour of Repeal, still having, on further and real consideration, ascertained the step they had taken was wrong, and that they were prepared to retrace it, the Government was not disposed to consider their previous conduct was an insuperable bar to their preferment. It was still more desirable they should give, as in the case of this Gentleman, proof of their sincerity in meeting the Repeal cry, because he was a Roman Catholic. He believed all their Lordships would think it very desirable that there should be an understanding, that there was nothing in that creed to prevent qualified persons holding office; but that it was absolutely necessary, that persons in the service of Her Majesty should be loyal, and not engaged in transactions which led on it might be, to treason. But then it would be said that the Government removed many magistrates from the commission of the peace for attending Repeal-meetings. But those Magistrates were dismissed, not because their opinions were in favour of Repeal, but because they attended meetings which we believed were likely to lead to breaches of the peace, and which in our opinion could not properly be attended by persons holding Her Majesty's commission. Her Majesty's Government could put no confidence in them. As to this Gentleman's pecuniary fitness for his office—it was said he was in embarrassed circumstances; — but he had two estates —one in Galway, and another in Roscommon. But the noble Marquess said there were judgment debts upon them. Why, if an inquiry were made into the judgment debts and mortgages on the properties of all Magistrates, with the view to their dismissal, the Magisterial Bench would be weeded both in England and Ireland to a very inconvenient degree. [The Marquess of *Clanricarde:* He was but a nominal possessor.] The report of the persons appointed to inquire into his circumstances was, that he had suffered from pecuniary difficulties, but not to any considerable amount. Next, as to his legal capabilities: it was true he had never been called to the Bar. That was quite true; but he had, nevertheless, attended terms, whether with the view of merely enjoying the commons he could not say—it was, however, clearly his intention to have been called to the Bar. He did not consider that Stipendiary Magistrates required all that nicety of legal education which was requisite for other and superior judges, and he could not see why such a fact as a mere change in Mr. O'Brien's political opinions should stand in the way of his being appointed to a Magisterial situation. There was another circumstance mentioned by the noble Marquess, to which he would shortly refer—he meant the case of Mr. O'Brien's servant; and he thought that nothing could be more unfair towards Mr. O'Brien, than making allusions of the kind, unless they were fully acquainted with the facts upon which those allusions were grounded. The case, it appeared to him, merely came to this. It was stated, that the servant had brought Mr. O'Brien before the Lord Mayor of Dublin for not paying his wages. Now, Mr. O'Brien appeared to have some reasons—possibly good ones—for taking the course he did. Why, it might very well happen that Mr. O'Brien did not like to have Mr. O'Connell sitting in judgment upon him. He possibly thought he might not have fair play, and he could see nothing

improper in these circumstances in his saying to the Lord Mayor — "You have no jurisdiction in the case. I refuse to submit to your award. If I really owe the wages I should be summoned before a Magistrate of the county in which I reside. I do not consider the tribunal to which it is proposed to refer the case competent to entertain it." He (Lord Wharncliffe) really expected, that if the noble Lord opposite went into the matter at all, he ought at all events to have attempted to show that Mr. O'Brien had defrauded his servant. [The Marquess of *Clanricarde:* I stated it to shew his want of acquaintance with law.] But as the charge had been made, he confessed that he saw nothing in it. If he himself were to be placed in the same circumstances as to a political enemy—it would depend upon the opinion which he entertained of him whether he would like to submit to his jurisdiction. But he could not help saying that it appeared odd, how, when anything was said or done which might have been disagreeable to Mr. O'Connell or his friends, a clamour should be immediately raised in this House against it. It was very odd that a clamour should be raised against the appointment of such a man by those very parties who would have dealt similarly with Mr. O'Connell. They were ready to say of him—"He is an agitator for Repeal; he is very wrong:—but then he is a great man; he has done great good for his country. We cannot do without his assistance; we will go with him to the verge and then leave him. We admit he is wrong in agitating for Repeal, and we disapprove of some of his language, but still we will not leave him. We will defend him from whomsoever may attack him." Either Mr. O'Connell was or was not a person in whom the noble Lord opposite could place confidence. He hardly thought that they would offer him a high judicial situation at present, but they had formerly offered him the Chief Baronship.

The Marquess of *Normanby*: The office of Chief Baron was never offered to Mr. O'Connell. I stated in a speech at the commencement of the Session, that that offer was never made to him. The offer of the Mastership of the Rolls was made to him, but the offer of the Chief Baronship was, I repeat, never made; and further, your Lordships will recollect in what manner I told you that my memory was refreshed upon the subject at the time I made this declaration before.

Lord *Wharncliffe*: Am I to understand from the noble Marquess that Mr. O'Connell deliberately stated in the House of Commons that which was not true upon that subject?

The Marquess of *Normanby*: No.

Lord *Wharncliffe*: Well then he spoke truth—that is quite clear. At any rate it was clear that one of the parties concerned in the matter had not spoken in accordance with the fact—that at least was clear. ["Hear, hear," *from the Ministerial Benches, and Cries of* "oh, oh," *from the Opposition.*] He was certain that Mr. O'Connell had stated that he had been offered the Chief Baronship. Did his noble Friend deny that Mr. O'Connell had stated this? But if he did not deny it, how did he deny, that the offer was really made, and at the same time that Mr. O'Connell had adhered to the facts of the case? He thought that he had his noble Friend in a dilemma. The thing was still unexplained. With Mr. O'Connell he wished to deal as with any other man—fairly and openly. If he was the able man he was stated to be—possessing those legal qualifications which he was stated to possess, and one in whom the late Government felt confidence — he would then say that they were quite right in offering him a high judicial situation. They were right in acting upon their discretion upon the point. His noble Friend, the Lord Lieutenant of Ireland, had, in this case, only acted upon what he considered to be a sound discretion. The noble Marquess opposite thought that he was wrong in doing so. It might turn out that the appointment would prove injudicious, but there was nothing in the circumstances which had attended it to make it appear so, or to prove that it was not a fair and proper appointment.

The Marquess of *Normanby* said, that his noble Friend had stated in the outset of the Speech that he would oppose the Resolution "boldly," that he would go into the case "boldly." He had certainly done so, but he (the Marquess of Normanby) thought that, as to the subject matter of the case, he had met it "weakly." Before, however, he said a word about the merits of the case itself, he must remark that his noble Friend had introduced certain topics, quite foreign to it, in what he considered to be an unfair, unusual, and improper way. His noble Friend had no right to say in his place in this House that he (the Marquess of Normanby) was in a

"dilemma," as to what he had stated on his own knowledge and his own authority. The noble Lord said that he was in a dilemma. Why? because Mr. O'Connell had stated impressions respecting a certain transaction in the House of Commons, different from those which he, on his own part, had stated in the House of Lords. The circumstances were quite compatible, and quite easy to be explained. Mr. O'Connell, he believed, knowing at the time in question that the office of Chief Baron was vacant, had communication upon the subject with certain parties not authorised by Government, and did expect to be appointed to that office. Now he (the Marquess of Normanby) had had communication with his noble Friends then in the cabinet, and his impression—an impression in which there was an unanimous concurrence—was, that the Chief Baronship was not an office which could be offered to Mr. O'Connell; that however anxious the Government might be to secure his eminent services in a legal capacity, they could not yet make him such an offer as the Chief Baronship. This determination was communicated by himself to Mr. O'Connell. It might certainly have been the case that, in his eagerness to disclaim any intention of accepting a judicial appointment, he had not clearly observed—at least not so clearly as he (the Marquess of Normanby) saw it—the distinction between the two offices of Chief Baron and Master of the Rolls. The one was an offer which they could, the other which they could not, make. But after all, his noble Friend had stated that he was in a "dilemma," and he knew that the same language had been held by others, and this even after the time when, to prevent mistakes, he had shown to another noble Friend of his, a Colleague of his noble Friend's, a proof of the accuracy of his recollection: that noble Friend had made the same assertion at the time when in his turn he denied that that offer had been made—he had shown his noble Friend a letter which he had found among the papers of the late Mr. Drummond—a letter which he had written to that Gentleman the day after the interview had taken place, stating what had passed with reference to the Chief Baronship, and repeating to him that—with all the anxiety of the Government to secure the services, in a professional capacity, of Mr. O'Connell—that, looking to the station which he held, and the influence by which he was surrounded, a criminal judgeship in Ireland was an offer which they could not make to him. He did not think, after what had already passed upon the subject, and after the explanations which had been already given, that his noble Friend was justified in the assertions which he had made, and imputations which he had thrown out. Now then, he would dismiss the matter from his mind, simply remarking, that his noble Friend had not treated him in this instance with his usual fairness.

Lord *Wharncliffe* interposed. He would be very sorry to be supposed to accuse his noble Friend of saying anything not strictly true. He had merely said, that Mr. O'Connell had stated one thing as a fact, and that his noble Friend had stated another.—He was quite ready to believe, that his noble Friend was in the right, but he must say, that the circumstances impugned the character of some one, and he left Mr. O'Connell to explain the matter as he best might.

The Marquess of *Normanby*; perhaps Mr. O'Connell might not have understood him so clearly as he thought he had explained himself to him. But with regard to the appointment itself he thought it was perfectly justifiable. There existed at that period general tranquillity over Ireland, and great confidence in the due administration of justice, and the cry of Repeal, which the present Government seemed to think they could put down by making such appointments as that of Mr. O'Brien, was absolutely dead in Ireland. The offer, therefore, of the office of Master of the Rolls, which had no political or criminal jurisdiction, the late Government considered would have a more direct tendency to secure and continue to the country the state of tranquillity and absence of Repeal agitation, and above all in that confidence in the desire to administer justice with strict impartiality of which it was then in the full enjoyment of than any other measure that could have been proposed. But to return to the subject before their Lordships' attention. His noble Friend opposite had stated that this appointment was vested wholly in the Lord Lieutenant of Ireland. He did not deny that; but at the same time he conceived it to be the duty of Parliament to watch in what manner the Lord Lieutenant exercised the discretion reposed in him. The discretion of the Lord Lieutenant was a question with which they had a just and legitimate right to inquire, and which he wished to be tried by the same tests as his own acts in that

capacity had been subjected to. He ventured to say that no case, parallel or nearly parallel to the present, could be pointed out in the course of his administration in Ireland. But his noble Friend opposite had disclaimed and been very indignant at the application by his noble Friend near him (the Marquess of Clanricarde) of the term "corruption" to the acts of the Government. He did not exactly remember how his noble Friend had used the expression, but he must say that there were some arguments of his noble Friend opposite (Lord Wharncliffe), as to the administration of justice, which did very much savour of corruption. What did his noble Friend state with reference to the appointment of magistrates?—that the Government wished to find out and appoint the most eligible persons for such situations? No such thing. He said "we wished to make our sense of the value of a political convert by appointing him to a judicial situation." That was the plain interpretation which he put upon the noble Lord's words. But after all, it did not seem that this way of making political converts had been very successful, for as yet Mr. O'Brien had been the only one caught by its application. His noble Friend admitted that the letter written by Mr. O'Brien, and of which they had heard so much, was a very foolish letter; but when he stated that there was nothing in that letter to prove that Mr. O'Brien was unfit for the appointment which had been bestowed upon him, he must certainly have forgotten it. [The noble Lord then read portions of the letter, which will be found vol. lxxiii 1602.] But it was stated that Mr. O'Brien presented strong recommendations to Government. How was it that no copies of these recommendations were kept? Who they were from, or what was their value, his noble Friend would not state; and it appeared that the only one who had been consulted as to Mr. O'Brien's fitness for magisterial duties, was Mr. O'Brien himself. But his noble Friend opposite had blamed his noble Friend near him for referring to Mr. O'Brien's alleged embarrassed circumstances. But the noble Lord would recollect that the matter had only been alluded to in reply to a statement made by Lord Eliot in the House of Commons, that Mr. O'Brien was a man of property. For such a district as Nenagh a more unfortunate appointment than that of Mr. O'Brien he could not conceive. It was indeed stated that he was shifted to Castlebar; but wherever his destination was, he was a most unfit person to be entrusted with the duties of a Stipendiary Magistrate. He would take this opportunity of calling the attention of noble Lords opposite to a particular class of appointments to the Stipendiary Magistracy, which he believed on many accounts to be the most desirable. He meant a judicious and frequent selection of the officers of the constabulary force. Some of the very best Government Magistrates in Ireland had their promotions made by himself from this class. The Lord Lieutenant had made eight appointments to the Stipendiary Magistracy since he had been in Ireland, but not one which came within his definition of the next species of appointments. He did hope that Earl de Grey would bear in mind the claims and qualifications of officers of the constabulary force; and would generally exercise a more salutary discretion on this subject, for, he did say, that if such appointments as that of Mr. O'Brien were to be made, and for such reasons as those which they had just heard stated—"boldly" stated—if magistrates were to be located as was Mr. Brereton in his own neighbourhood, and if they were to be instructed from head quarters, as he believed that a magistrate lately dismissed had been—if such was to be the conduct of the Irish Government with respect to these appointments, it would be better far to sweep away the whole Stipendiary system, and leave the administration of the law to the local magistracy, than to pollute the sources of justice by such a course as they had recently seen adopted.

Lord *Brougham* entirely agreed with both of his noble Friends near him in the opinions which they expressed relative to the exercise of discretion in making these appointments, and which rested in the Lord Lieutenant being still subject to inquiry and criticism in Parliament: but he did not agree with his noble Friends, and particularly with his noble Friend who had brought the subject forward, in thinking that Parliament had a right to inquire into the relative merits of the candidates, and to canvass the fitness of Mr. O'Brien for the station, not absolutely and abstractedly, but relatively, and in contradistinction to that of another person. To justify their Lordships in passing a vote of censure upon the Government (which the Resolutions of his noble Friend in effect amounted to) it was necessary to

show, not that Mr. Blake or any other person was fit to be appointed a stipendiary magistrate, but that Mr. O'Brien was unfit; and in that respect his noble Friend had wholly failed in making out his case. Notwithstanding all that had been said to the contrary, it appeared that Mr. O'Brien was in station and qualifications a proper person to be appointed; that he had been in difficulties at a former period was no sufficient bar to his appointment. The very gravamen of the charge, then, was, that he had published a very violent letter upon the subject of repeal. Their Lordships ought not to be very much surprised at that, when it was remembered that this Gentlemen had been a worshipper of that idol, and like many other idol worshippers, had become an "Iconoclast," and while a worshipper of the idol of Repeal he had of course studied that vocabulary, which abounded more in virulence, violence, unreflecting abuse, and coarseness, than any other vocabulary of any ancient or modern author or speaker with whom he (Lord Brougham) was acquainted. That letter he would not defend; but it appeared to him that the writer had merely retorted on Mr. O'Connell in his own language. As to the question of religion, he thought the Government was deserving of praise for showing, as they had done in this instance that they were influenced in making these appointments by the fitness of the party only, without reference to his religion, whether Catholic or Protestant. The regulations laid down by his noble Friend near him (the Marquess of Normanby) while at the head of the Government in Ireland, were most judicious, and in no respect more so than in that relating to the appointment of Stipendiary Magistrates, had not, as it appeared to him, been departed from in this instance; and here he must do his noble Friend the justice to say, that the disposal of his official patronage (which, as their Lordships were aware, had been narrowly inquired into, and had been made the subject of investigation before a Committee of their Lordships' House) had been bestowed—and he spoke now the opinion of every Member of that Committee—not only purely, but most judiciously. He trusted the regulations to which he had referred would be adhered to by every Government. With respect, however, to the appointment in question, as it had not, in his opinion, been proved to be an improper one, he could not vote for the censure conveyed in the Resolutions of his noble Friend.

The Marquess of *Normanby*, in explanation said, that with regard to the supposed offer of the Chief Baronship of the Exchequer to Mr. O'Connell, he felt convinced that Mr. O'Connell laboured under a mistake when he stated it had been made. The offer made was the Mastership of the Rolls. Unfortunately, however, he supposed he had not made himself so distinct as he believed himself to have done, not only at the time, but when he was communicating his impression of what had just taken place to his secretary Mr. Drummond.

The Earl of *Haddington* had seen a letter subsequent to a former debate, which confirmed the statement made by the noble Marquess.

The Marquess of *Clanricarde*, in reply, said he feared the Government in Ireland were too much under the influence of persons who gave them bad advice. He should be glad if the Government in London would look more strongly after what was passing in Dublin Castle. He had not intended to make any comparison between Mr. Blake and Mr. O'Brien; he had alluded to Mr. Blake to show that that Gentleman had been unfairly treated, and that the Government might have chosen from well qualified persons. He repeated that he thought the appointment an injudicious one, and he felt greatly surprised that the Government should persist in it.

On Question, Resolved in the Negative without a division.

House adjourned.

HOUSE OF COMMONS,

Monday, May 6, 1844.

MINUTES.] BILLS. *Public.*—1°. Vinegar and Glass Duties; Joint Stock Companies Registration and Regulation; Joint Stock Companies Remedies at Law and in Equity.

2°. Edinburgh Agreement.

Reported.—Exchequer Bills (18,407,300*l.*).

Private.—1°. Rodbard's Name.

2°. North Wales Mineral Railway; Manchester Stipendiary Magistrates.

Reported.—Salford Improvement (No. 2); Cababe's Naturalization; Manchester Improvement; Chester and Holyhead Railway.

PETITIONS PRESENTED. By Mr. R. Yorke, from York, in favour of Ecclesiastical Courts Bill.—By Mr. Grogan, from Dublin, for Inquiry into Union with Ireland.—By Dr. Boyd (8 Petitions), from Ireland, by Mr. Fox Maule (9 Petitions), from Scotland, by Mr. Ross, from W. Gibson, and from Kingstown, for Legalizing Presbyterian Marriages.—By Mr. Trelawney, from St. Anstell, against Encouragement of Slave Labour Produce.—By Mr. Masterman, from Jamaica, for Reduction of Duty on Coffee.

—From Glasgow, respecting Duty on Coopers' Tools.—By Mr. P. Howard, from Carlisle, for Repeal of Corn and Provision Laws.—By Colonel Rushbrooke, from Suffolk (20), and from Peebleshire, against Repeal of Corn Laws.—By Colonel Rushbrooke, from Clare, for Alteration of Law of Arson.—By Mr. Macaulay, from Edinburgh, for Better Regulation of Buildings (Edinburgh).—From Dunstable, complaining of Charge of Casual Poor.—By Mr. Curteis, from Rye, and Mr. Hume, from Montrose, against Commons Inclosure Bill.—From W. D. Rayment, and W. Smith, for Compensation (County Courts Bill).—By Mr. Dennistoun, from Glasgow, against Limiting Hours of Labour (Factories Bill).—By Mr. Roebuck, from Barnard Gregory, for Inquiry.—By Mr. T. Duncombe, from Rickmansworth, and by Sir G. Strickland, from Preston (10), against Masters and Servants Bill.—By Mr. Forbes Mackenzie, from Peebles, for Repeal of Mines and Collieries Act; and respecting Perth Penitentiary.—By Mr. Fox Maule, from Perth, for Alteration of Parishes (Scotland) Bill.—By Mr. O. Stanley, from Anglesey, and Sir W. Heathcote, from Basing, for Alteration of Poor Law Amendment Bill.—By Sir G. Clerk, from Edinburgh, and Mr. F. Mackenzie, from Peebles (2), against Prisons (Scotland) Bill.—By Sir H. Douglas, from Liverpool (6), against Rating Owners of Tenements.—By Mr. Hume, from Montrose, for Restraining Power of Societies (Scotland).

THE RIGHT OF PETITIONING—PRIVILEGE.] Mr. *B. Cochrane* wished to ask a question of the hon. Member for Rochdale (Mr. Sharman Crawford). That hon. Gentleman some short time ago presented a petition to the House, purporting to be the petition of certain persons residing in the borough of Bridport, and which petition, in some of its terms, was of a very libellous tendency. The petition bore what purported to be the signature of several of his supporters in the borough. These signatures were disavowed by those whose names they bore, and he now wished to ask the hon. Member whether he could inform the House by what means those signatures were obtained, and who were the parties who promoted the petition?

Mr. *S. Crawford* said the hon. Member had been kind enough to inform him of his intention to put this question; and since the hon. Gentleman gave him that information, he (Mr. S. Crawford) had searched through every paper which was likely to indicate from what source he had received the petition, but he had been wholly unsuccessful, and he had no memorandum that would enable him to answer the hon. Gentleman's question. He only knew that the petition came to him, and that he presented it. He should be happy, if any fraudulent conduct had been practised, to lend his assistance to the hon. Member to discover the parties guilty of such practices.

Mr. *Cochrane* said it was difficult to point out any particular mode.

Sir *Robert Inglis* was of opinion that this question involved a breach of privilege of the House.

The *Speaker* said at present there was no question before the House.

Sir *R. Inglis* was perfectly aware of that, and he had risen for the purpose of making it a question, because, as he understood the facts, there had been such an act practised as to constitute a breach of privilege. An hon. Member had alleged that a fraud had been committed in the concoction of a petition to the House; any hon. Member had therefore a right to investigate the charge, inasmuch as the whole efficacy of the right of petitioning would be destroyed altogether if it were to become the practice to manufacture petitions in one part of the kingdom, and then have them presented to the House as coming from another part. He did not know whether the hon. Member, whose confidence had been abused, intended to take any steps in the matter, but in his (Sir Robert Inglis's) opinion it was a subject deserving of further consideration.

Mr. *Cripps* also considered it a question of importance. The Committee on Public Petitions, of which he was a Member, had been placed in great difficulty in consequence of many petitions coming before them, the character of which, as to their being the real petitions of the parties purporting to have signed them, was very doubtful. A little before the recess there came before the Committee as many as eighty or ninety petitions in favour of the ten hours Bill. No Member's name was signed to those petitions; they were all written in the same handwriting, and he firmly believed that every single name signed to them was in one and the same handwriting. They all professed to be signed by the chairman of a meeting called for that purpose. He did not know whether the Committee had a right to report that such Petitions had not in reality been presented at all; but his impression was, that they were not genuine Petitions.

Mr. *Hume* said a rule had been laid down by the House, and a circular was sent to the Members every year, requiring them to write their names on the Petitions presented by them. In his opinion, the Clerk at the Table should look at every Petition to see that the Member's name was there. Yes, he would assert that if 500 Petitions were presented at

one time by one Member, the Clerk ought to take care to examine the signatures, otherwise there would be no security against fraudulent Petitions.

The *Speaker* said, that the Resolution which the hon. Member referred to was sent round to every Member, cautioning them to sign their names to the Petitions, but unfortunately Members neglected to do this, and unless the House came to a Resolution that no Petition should be received unless signed by the Member presenting it, he knew not how the evil could be remedied.

Mr. *Hume* really thought that the House ought to come to a Resolution, that no Petition should be received unless the Member's name was upon it, and then the hon. Member would be responsible. That was necessary to guard against an abuse which he considered to be a grave and serious breach of privilege. He had no objection to give notice for to-morrow for submitting a proposition of that kind to the House, though he thought the Government ought to bring it forward.

Matter dropped.

Medical Reform.] Mr. *Fox Maule* wished to ask the right hon. Baronet at the head of the Home Department, whether he could give the House any idea as to the period he would be able to introduce his long-expected Bill for Medical Reform. Many Friends of his (Mr. F. Maule) had looked forward to the Measure as one of great promise, and they were very anxious to have it before the House.

Sir *J. Graham* said, that to promise a good measure was an easy matter, but the performance was a more difficult affair. The House was aware that he had now already before them the Poor Law Bill, the Factory Bill, and the County Courts Bill —quite enough, he thought, at one time. However, he could state with respect to the Bill referred to by the right hon. Gentleman that he expected information of a practical nature on the bringing up of a Report of a Committee now sitting. He hoped by the 13th instant to be able to give notice when he should be able to introduce the Bill.

Mr. Barnard Gregory — Imprisonment in Newgate.] Mr. *Roebuck* had a Petition to present, to which he wished to call the attention of the right hon. Gentleman, the Secretary of State for the Home Department. It was from a person of the name of Gregory, who had been indicted and convicted for the publication of a libel, and was now suffering under his sentence of imprisonment in the Gaol of Newgate. The petitioner stated that he was sentenced to an imprisonment of twelve months; that he was at first placed under such rules and discipline as protected him from suffering any hardship, but that he was now placed in a solitary cell; that he was allowed the use of a small table, with a single chair without a back; that he had no bed but a rope mattress on a narrow iron frame, with a horse cloth for his covering; that he was deprived of the use of a knife and fork, and was not allowed to read any books, and that the only drink allowed to him was water gruel. He wished to know whether the right hon. Baronet would tell him whether or not this person was subjected to these rules in consequence of any regulations which had been made by the head of the Home Department? whether the Gaol of Newgate was under the right hon. Gentleman's control? and, if so, whether the sort of punishment to which this petitioner was subjected, was with the cognizance, knowledge, and authority of the right hon. Gentleman?

Sir *James Graham* said, the hon. and learned Gentleman having given him notice of his intention to present his petition, and having granted him an opportunity of seeing the prayer of it, he was in a condition to answer all these allegations. In the first place, he begged to state to the hon. and learned Gentleman that the Gaol of Newgate was under the immediate control and direction of the Lord Mayor and Corporation of the City of London, and that the rules enforced at that Gaol, had received the sanction of the Secretary of State for the Home Department, and therefore, though not directly, yet indirectly, he was responsible for the punishment to which Mr. Gregory was subjected. He need hardly state to the House, that Mr. Gregory was convicted of a misdemeanor. The House was aware, that in the year 1840, Parliament passed an Act, which divided misdemeanors into two classes, and enabled Judges to pass sentence upon a misdemeanant, and in the sentence to specify whether the misdemeanant should be subject to the punishment attached to the first class, or to the second class. Mr. Gregory made direct

application to the Court, on passing sentence, that he should be classed in the first division, the punishment attached to the first division being much lighter than that attached to the second division. The Court deliberately refused that application, and he was undergoing his sentence, not as a misdemeanant of the first class, but of the second. As soon, however, as it was represented to him, that Mr. Gregory was suffering in his health, and had long been in an infirm state of health, he called the attention of the proper authorities to that fact, and in consequence of that proceeding, an alteration was made in his treatment. So far from his confinment being solitary, perhaps he had indulgences such as were never granted to any other person in his situation. He was placed in a room having a boarded floor, and was allowed a fire and various other accommodations never granted to other misdemeanants. His diet was under the direction of the medical officer, and by his special orders, an inspector had visited Mr. Gregory once a fortnight, and made Reports to the Home-Office, and so far from the health of Mr. Gregory having been impaired by his protracted confinement, he was better now than when he was first confined. Unless it should be represented to him that the protracted confinement of Mr. Gregory, under these circumstances, would be dangerous to his life, he should not be prepared to recommend any change.

Petition to lie on the Table.

Police Magistrates — Anomalies of Punishment.] Mr. *Horsman* wished to put a question to the Secretary for the Home Department relative to a case which had been brought before one of the Police Magistrates on Wednesday last. The facts as stated in the reports, were these:—A female, named Mary Brown, having left her home for the purpose of purchasing some necessaries, was accosted by a soldier in the street, who persisted in following her. Being alarmed, she ran back to her own house, but was pursued, her door broken open, and the soldier seized her, and threatened to murder her unless she yielded to his demands. After struggling for some time the woman was so overcome by her fears that she fainted, and she was found by a neighbour, who had been attracted by her cries, in a most dangerous condition, leaning half out of the window in a state of insensibility. These were the facts as given in evidence, and now came the point to which he wished to draw the right hon. Gentleman's attention. The charge was not denied, but the party who had committed the outrage pleaded in extenuation that he was drunk at the time; and the Magistrate in passing sentence, said, that in consideration of his being drunk, he should only fine him 10*s*. Now, he wished to ask the right hon. Gentleman if his attention had been brought to this case; and if so, whether the report of it which had appeared in the public papers were correct; and if it were correct, whether the right hon. Gentleman had felt it incumbent on him not to let the grounds on which that very lenient sentence was pronounced pass without some notice on his part, expressive of disapproval?

Sir *J. Graham* observed, that his attention had been drawn to the subject, and he had thought it most fair to the Magistrate to ask for his explanation. It appeared to be true that something had passed between the soldier and the complainant, and that the woman, alarmed, returned to her apartment, followed by the soldier, who broke open the door, and offered violence in the room: the woman screamed aloud, and her neighbours immediately entered, and the soldier instantly fled. According to the report in the police sheet, the charge before the Magistrate was for "assaulting Mary Brown, of No. 4, Peter-street, Westminster, breaking her door; damage, 1*s*.; drunk at the time." The Magistrate, on hearing the case, was satisfied that, the soldier being intoxicated at the time, some misapprehension had occurred. The door was extremely old, and made little resistance. The Magistrate might have convicted the offender of an aggravated assault if the whole case had been made out, but he did not think that there was sufficient evidence to sustain the charge, and that the justice of the case would on the whole be met by a fine of 10*s*. With respect to what had been said of drunkenness being considered an excuse, the Magistrate gave the statement a full contradiction. He denied that he had considered the plea of drunkenness any excuse. He did not remember the precise expressions he had used, but they were of strong condemnation. It was a matter of

nice discretion, but he was not prepared to say, that a fine of 10*s.* did fully meet the justice of the case. He admitted, however, that the explanation of Mr. Jardine (for that was the Magistrate's name) was frank and satisfactory, and he should be sorry that any stain should rest on that Gentleman's character.

Mr. *Horsman* hoped he might be permitted to express his satisfaction at the explanation which the right hon. Gentleman had been able to give him, and to add, that in putting this question, so as to elicit that explanation, he was sure he had done a public service; for all the newspapers had concurred in their reports, and in representing the Magistrate's conduct as reprehensible, from misunderstanding it; and he was sure he had done a service to Mr. Jardine himself by eliciting an explanation which had done him justice.

Governor General of India.] Sir *R. Peel* moved the Order of the Day for the House to resolve itself into a Committee on the Bank Charter Act.

Lord *J. Russell* said, that there was a matter of great importance for the consideration of the House, and he wished some period to be fixed for bringing it forward. He alluded to the extraordinary proceedings that had taken place with respect to the Governor General of India. He did not wish to raise any impediment with respect to the discussion which stood for to-night, but after what had taken place it was impossible that the matter could pass over without some explanation as to the course pursued by the Government, and as to the manner in which, for the future, India was to be governed. He perceived that his hon. Friend the Member for Montrose had a Motion for to-morrow evening on the subject, but it stood low in the list. He admitted, that it would be unfair on Government nights to interfere with the Orders of the Day; but still on a subject of such great importance as the government of the Indian possessions of this country, he trusted that hon. Members who had Notices for to-morrow night would allow the hon. Member for Montrose precedence. It was his opinion that some early day should be fixed when the Motion might be brought on.

Mr. *Hume* said, that his name stood first in the Notice Paper for to-morrow with respect to the printing of a petition, complaining of the Magistrates of Shrewsbury, and his name stood last in the Paper with respect to the Motion as to the recall of the Governor General of India. Now, he had no objection, if it met with the approval of the House to take the last Motion first, and the first last.

Sir *R. Peel* would not take any objection to the course proposed to be pursued by the hon. Member. It was for hon. Members who had precedence to say whether they would give way or not.

Mr. *Cobden* stated, that he had a Motion which stood second in the Paper for to-morrow. He had no desire to put it off; but if it was the general wish of the House, he would not stand in the way of the hon. Member for Montrose.

Subject at an end.

Bank Charter.—The Currency.] On the Motion of Sir Robert Peel the House resolved itself into a Committee on the Bank of England Charter Act.

Sir *R. Peel** rose, and addressing Mr. Greene, who was in the Chair, said—Sir, there are occasionally questions of such vast and manifest importance, and which prefer such a claim, I should rather say such a demand, on the attention of the House, that all rhetorical prefaces, dilating on their magnitude or enjoining the duty of patient consideration, are superfluous and impertinent. I shall, therefore, proceed at once to call the attention of this Committee to a matter which enters into every transaction of which money forms a part. There is no contract, public or private,—no engagement, national or individual, which is unaffected by it. The enterprises of commerce, the profits of trade, the arrangements made in all the domestic relations of society, the wages of labour, pecuniary transactions of the highest amount and of the lowest, the payment of the national debt, the provision for the national expenditure, the command which the coin of the smallest denomination has over the necessaries of life, are all affected by the decision to which we may come on that great question which I am about to submit to the consideration of the Committee. The circumstances under which the duty imposed on me arises are shortly these:—In the year 1833, an Act of Parliament passed which continued to the Bank of England certain privileges until the year 1855,

* From a Corrected Report.

and after the year 1855 until Parliament should determine to give one year's notice to the Bank of its determination to revise the charter. Before, however, the expiration of the full period of twenty-one years, before the arrival of that term of 1855, there was reserved to Parliament the power, after the lapse of ten years, by notice to be given to the Bank, of revising the charter and reconsidering this whole subject. That period will arrive in August next. After August next it will be competent to this House, by notice given through the Speaker, to intimate to the Bank that within six months next following this House will reconsider the charter of the Bank of England. If that opportunity be let pass, the charter of the Bank and all the privileges it confers will endure until the year 1855. In the present state of this country—in the present state of the currency—after the inquiries which have been instituted, after the degree to which public attention has been called to this subject, her Majesty's Government feel it to be their duty to avail themselves of the opportunity thus given to them by law, and to consider the revision of the charter of the Bank. They are of opinion, that inquiry has been exhausted—that all the information which is essential to the formation of a satisfactory judgment has been collected, and that it is incumbent on the Ministers of the Crown to submit to the decision of Parliament the measures which in their opinion it may be fitting to adopt. Sir, I am perfectly satisfied that the Members of this House, rising superior to all party considerations, and to all private interests, will consider it their duty to apply their deliberate and impartial consideration to this great subject. I have that confidence in the House of Commons, from past experience of their superiority to mere party views and personal interests where matters of such paramount importance come under review, that I feel assured such will be the course they will pursue on this occasion. I ask you to-night for no decision. I would even deprecate the expression of opinion. I ask you to listen to the proposals I shall make—to hear the evidence and arguments by which they shall be supported—to read and consider the resolutions which I shall move, *pro formâ*; and, after having deliberated maturely on the subject, hereafter to pronounce a cool and impartial judgment upon it. Sir, I am not shaken in the confidence I repose in the House by publications I have seen, inviting the attendance of Members on this occasion. I hold in my hand the resolutions adopted at a meeting of the General Committee of Private Country Bankers on the 17th April last. They are to this effect: "That the refusal of Government to give information on the subject of their measure concerning Banks and issue, naturally leads to the conclusion that it is their intention to propose some measure affecting country banks generally, and this meeting considers it most probable that it relates to the local circulation of the country." "That under these circumstances it is most desirable that the banks of issue, whether private or joint-stock banks, should unite to oppose any alteration in the local circulation of the country, or in the conditions on which it is now allowed by law; and that the several joint-stock banks and banks of issue throughout the United Kingdom be invited to co-operate with the private bankers in such opposition." The third Resolution is, "That all bankers be requested, as far as possible, to bring the question fully under the consideration of all Members of Parliament with whom they may be acquainted or connected, and endeavour to induce them to oppose any such alterations in the local circulation of the country." Sir, I complain not of these resolutions. I complain not, at least, that the Bankers have invited Members of Parliament to attend in their place and consider this subject; but I do hope that Members of Parliament will resist the subsequent appeal, and that they will not come here determined beforehand to oppose any alteration in the existing law which may be proposed for their consideration. Are you so satisfied with the existing state of things,—are you so convinced that it is utterly impossible in any particular to suggest alteration, that you will come prepared, before hearing the discussion on the subject, to offer, after previous concert and understanding, an insuperable obstacle to any amendment of the existing law? I know that to be impossible. I hold in my hand the proof of evils flowing from the present state of the law, which should make it impossible that any such previous compact and understanding, if entered into, could be fulfilled. My immediate proposition relates to Banking Concerns, and to the issue of Pro-

missory Notes; but, considering that ten years have now elapsed since this subject was brought under consideration, I hope I shall be excused if I take a wider range than the immediate questions for decision might seem to justify, and if I advert at the outset to the great principles which govern, or ought to govern, the Measure of Value, and the Medium of Exchange. They lie, in truth, at the very foundation of our discussion. We cannot hope to agree on the Measure to be adopted with regard to Paper Currency, unless we are agreed on the principles which determine the value of that of which Paper is the representative, and on the nature of the obligation which is imposed upon the issuer of Promissory Notes. Now I fear there is not a general agreement on those fundamental principles—that there is still a very material difference of opinion as to the real nature and character of the Measure of Value in this country. My first question, therefore, is, what constitutes this Measure of Value? What is the signification of that word "a Pound," with which we are all familiar? What is the engagement to pay a "Pound?" Unless we are agreed on the answer to these questions, it is in vain we attempt to legislate on the subject. If a "Pound" is a mere visionary abstraction, a something which does not exist either in law or in practice, in that case one class of measures relating to Paper Currency may be adopted; but if the word "Pound," the common denomination of value, signifies something more than a mere fiction—if a "Pound" means a quantity of the precious metals of certain weight and certain fineness—if that be the definition of a "Pound," in that case another class of measures relating to Paper Currency will be requisite. Now, the whole foundation of the proposal I am about to make rests upon the assumption that according to practice, according to law, according to the ancient monetary policy of this country, that which is implied by the word "Pound" is a certain definite quantity of gold with a mark upon it to determine its weight and fineness, and that the engagement to pay a Pound means nothing, and can mean nothing else, than the promise to pay to the holder, when he demands it, that definite quantity of gold. What is the meaning of the "Pound" according to the ancient monetary policy of this country? The origin of the term was this:—In the reign of William the Conqueror a pound weight of silver was also the pound of account. The "Pound" represented both the weight of metal and the denomination of money. By subsequent debasements of the currency a great alteration was made, not in the name, but in the intrinsic value of the Pound sterling, and it was not until a late period of the reign of Queen Elizabeth that silver, being then the standard of value, received that determinate weight which it retained without variation, with constant refusals to debase the standard of silver, until the year 1816, when gold became the exclusive standard of value. The standard of silver was fixed about 1567; but in 1717, the value of the guinea was determined to be 21*s.*, and for a certain period, both gold and silver constituted the mixed standard of value. In the year 1774, it being then enacted that no legal contract should be discharged in silver for any sum of more than 25*l.*, gold became substantially the measure of value, and so it continued to be legally and practically until 1797, when that fatal measure for restricting cash payments by the Bank was passed, and parties were enabled to issue at their discretion Paper Money not convertible into coin at the will of the bearer. From 1797 to 1810 public attention was not much directed to this important subject; but in 1810 men of sagacity observed that the exchanges had been for a considerable period unfavourable to this country — more unfavourable than could be accounted for by the balance of trade or the monetary transactions of the country. A Committee was appointed to inquire into the subject, and opinions, not really novel, but at that time very startling, were enounced, to the effect that the "Pound" meant, in fact, nothing else than a definite quantity of the precious metals, and that those who promised to pay a Pound ought to pay that quantity. That theory was very much contested at the time. The House of Commons was not convinced by the arguments used in favour of it. The public mind, confused by the practice that had prevailed since the issue of inconvertible paper, would not admit the doctrine of a metallic standard. Those who contested it were, however, called upon to give their definition of the Pound Sterling, and it must be admitted that they responded to the call. They did not evade the question, as is now the

practice, by writing long and unintelligible pamphlets, but, confident in their own theories, gave, in brief and compendious forms, their definitions of the standard of value. One writer said, "that a Pound might be defined to be a sense of value in reference to currency as compared with commodities." Another writer was dissatisfied with that definition, thinking the public had a right to something more definite and tangible, and that the meaning of "a reference to currency as compared with commodities," was not very obvious to enlightened minds. This writer said, "There is a standard and there is an unit which is the measure of value, and that unit is the interest of 33*l.* 6*s.* 8*d.* at 3 per cent., that being 1*l.*, and being paid in a Bank-note as money of account." The last definition of the standard of value which I shall quote is this:—"The standard is neither gold nor silver, but it is something set up in the imagination, to be regulated by public opinion." Such were the absurdities into which ingenious men were betrayed, in the attempt to set up some other standard of value, more consistent with inconvertible paper than a metallic standard. It was supposed at that time that the doctrines propounded by the Bullion Committee were the visionary speculations of theorists, and were unknown in the former monetary history of this country. But that is not the case. Refer to every writer of eminence—to Mr. Locke, to Sir W. Petty, to any one who wrote before 1797, and who had not been familiar with inconvertible paper currency, and you will find they arrive at precisely the same conclusions with the Bullion Committee. Take the opinion of Mr. Harris, an officer of the Mint, and an eminent writer on the subject a century before the Bank Restriction Act:—

"In all countries (says Mr. Harris) there is established a certain standard both as to weight and fineness of the several species of those coins.

"In England, the silver monies are to contain 111 parts of fine silver, and 6 parts of alloy. That is, the pound troy with us contains 11 oz. 2 pennyweights of fine silver, and 18 pennyweights of alloy; and of a pound troy of this standard silver, our money pound contains $\frac{240}{62}$ parts, that is to say a pound of of this silver is coined into 62*s.* This standard has continued invariable ever since the 43rd Elizabeth."

"By the standard of money is always meant the quantity of pure or fine metal contained in a given sum. In England accounts are kept by the pound sterling, which is a certain quantity of fine silver appointed by law for a standard." (He was writing at a time when silver was the standard in England.) "All payments abroad are regulated by the course of exchange, and that is founded upon the intrinsic value, and not on the mere names of coins.

"We may break the public faith here, and curtail the long-established measure of property, but foreigners will make ample allowance for what we may do, and however we may rob and cheat one another, will secure themselvss, and make an advantage of our discredit, by bringing the exchange against us beyond the part."

These are the true doctrines as to the measure of value, doctrines delivered one hundred years before the Report of the Bullion Committee was made, but in precise conformity with that Report. The truth of them is not, I fear, even now admitted. Publications daily issue from the press contesting it. Here is a volume published at Birmingham since the commencement of the present year, not the production, I presume, of a single author, for it professes to be written by Gemini. I have no wish to withhold justice from writers who give that proof of their sincerity, which is implied by the publication of an octavo volume. And I admit at once, that I do not believe this work could have proceeded from any other town in the Queen's dominions than Birmingham, and that the efforts of no single writer are equal to the production of so much nonsense. This volume collects and repeats all the old exploded fallacies on the subject of the standard of value and the currency. Its authors bewail the darkness of the age which adheres to a standard which was adopted in the reign of Queen Elizabeth, and which they consider wholly unsuitable as a measure of value now, considering the extent of our commerce, and the increase of all pecuniary transactions in number and amount. They might with equal justice complain, that since travelling has been increased by the completion of railways, the foot measure is still adhered to. There is no better reason for making the sovereign pass for twenty-five shillings instead of twenty, than for making the foot consist of sixteen inches instead of twelve. They consider it absurd, that with the progress we have made in wealth and knowledge, we should still coin the ounce of gold into a sum represented by 3*l.* 17*s.* 10½*d.*

"Coin the ounce of gold," say they, "into 5*l.*, and we shall then have relief from our burthens, and encouragement to industry and trade." Now, let us consider what is meant by affixing to the ounce of gold a value, represented in coin by the sum of 3*l.* 17*s.* 10½*d.*? According to the regulations of the Mint, before the alteration of the silver coin in 1816, a pound weight of standard gold was coined into 44½ guineas; a pound weight of standard silver was coined into 62*s.*; and a guinea was made current for 21*s.* We are thus enabled to calculate the relative value of gold and silver according to the Mint regulations. The sum of 44½ guineas in gold, that is a pound of gold, was equivalent to 1,869 sixpences in silver, and the pound of silver being equal to 124 sixpences in coin, the value of gold was to that of silver, as 1,869 to 124, or as $15\frac{9}{124}$ to 1. The ounce of gold in coin was equivalent to the corresponding amount in silver, namely, the twelfth part of 1,869 sixpences, that is to say, to 155 sixpences and $\frac{9}{12}$ of a shilling, or 3*l.* 17*s.* 10½*d.* There was, indeed, a small difference in the amount of alloy in a pound of coined gold and a pound of coined silver, for which it is necessary to make allowance, and that allowance being made, the relative value of pure gold to pure silver in the coins of the two metals was as $15\frac{2850}{13460}$ to 1. Silver has ceased to be a standard of value, and the silver coin being now a mere token, the former relative value of gold coin to silver coin is not now preserved. The above calculations explain our meaning when we say that the ounce of gold is coined into the sum of 3*l.* 17*s.* 10½*d.* These terms express the relation of gold and silver coin, according to the Mint regulations at the time that silver coin was made of standard silver. You may now enact, no doubt, that the ounce of gold shall be coined into 5*l.* in money of account, that is to say, you may debase the standard to that extent. And what will be the effect of this? All debtors will no doubt gain by it. In the case of all unfulfilled contracts, he who has to receive payment will receive much less in point of real value than he stipulated for. The creditor will be defrauded—the debtor will have a corresponding advantage. But this will be the whole effect. No new transaction will be affected by your choosing to call an ounce of gold 5*l.* As Mr. Harris says, you may cheat each other at home, but foreign countries will adjust their dealings with you, not on account of the name to be given to your coin, but according to its real value. All new contracts at home will be regulated by the same principles. The real and not the nominal value of that which is made by law the medium of exchange, will regulate prices and all future contracts. Even the relative value of gold and silver will not be adjusted by your laws. You may insist on coining the ounce of gold into 5*l.* instead of 3*l.* 17*s.* 10½*d.*, that is to say, into 200 sixpences instead of, as at present, into 155 sixpences and fourpence halfpenny, but silver will disobey your law, and will insist on finding its own value in the market on principles which you cannot control. The Mint regulations do not, it is true, correctly express the present relative value of gold and silver in the bullion market. Silver is not worth 5*s.* 2*d.* an ounce, not more, I believe, than 5*s.* an ounce, and there would be an apparent present advantage to the debtor in taking silver rather than gold as the standard, since the relative value of gold to silver when standard-silver is 5*s.* per ounce, is as 15·575 to 1, instead of $15,\frac{285}{1346}$ to 1. But there is reason to doubt whether those who wish for a relaxation of the standard, and who, for the purpose of benefiting the debtor, recommend either a joint standard of siver and gold, or the substitution of silver for gold as the standard, would attain their object were either of those Measures adopted. There is reason to believe, adverting particularly to the rapid increase of the annual supply of gold from mines within the dominions of the Emperor of Russia, that the value of gold in the general markets of the world is on the decrease, and that the interest of the debtor would not be permanently advanced by the abandonment of gold for silver as the standard of value in the country. But to revert to the errors of those who are the advocates of some measure of value other than the precious metals. They object to the selection of gold as the standard of value, because gold is an article of commerce,—because there is a demand for it as bullion, affecting, therefore, its value as coin, and disqualifying it to be the measure of value. Now, no one contends that there is or can be an absolutely fixed and invariable standard of value. No one de-

nies that the value of gold, with reference to all commodities, excepting gold itself, may be subject to slight variations. But what other substance is not more subject to variations in value than the precious metals? What other substance possessing instrinsic value will not also be in demand as an article of commerce? It is because gold is an article of commerce, because there are no restrictions upon its export or its import, that you can at all times depend upon such a supply of gold for the purposes of coin as may be sufficient for the wants of this country. The precious metals are distributed among the various countries of the world in proportion to their respective necessities, by laws of certain though not very obvious operation, which, without our interference, will allot to our share all that we require. Some entertain the apprehension that we may be drained of all our gold in consequence of a demand for gold from foreign countries, either for the payment of their armies in time of war, or in consequence of sudden and unforeseen demand for foreign corn for our own internal consumption. It is supposed that gold, being an article in universal demand, and having at all times and in all places an ascertained value, is more subject to exportation than anything else. But the export of gold, whether coin or bullion, is governed by precisely the same laws by which the export of any other article is governed. Gold will not leave this country unless gold be dearer in some other country than it is in this. It will not leave this country, merely because it is gold, nor while there is any article of our produce or manufacture which can be exported in exchange for foreign produce with a more profitable return. If gold coin be in any country the common medium of exchange; or if the promissory notes, which perform in part the functions of gold coin, are at all times and under all circumstances of equal value with gold, and are instantly convertible into gold; there are causes in operation which, without any interference on our part, will confine within known and just limits the extent to which gold can be exported. There may no doubt be temporary pressure from the export of gold, even when it is confined within those limits; but none for which you may not provide, none to which you would not be subject, in a higher degree probably, were any other standard of value adopted in preference to gold. I have thus stated the grounds which justify the conclusion, that, according to the ancient monetary policy of the country, according to the law, according to the practice that prevailed at all times, excepting during the period of inconvertible paper currency, a certain quantity of the precious metals, definite in point of weight and fineness, has constituted, and ought to constitute, the measure of value. The minds of men, habituated during the Bank Restriction to a departure from that measure of value, were loth to admit those great elementary truths which are at the foundation of the whole system of currency, paper credit, and foreign exchange. Ingenious writers have from time to time laboured to prove the unsoundness of these doctrines, to show that a metallic standard was neither practically nor theoretically the measure of value in this country, and have cited various facts apparently irreconcileable with the theory. But when all the circumstances attending each fact have been fully stated, they have been sufficient to account for the seeming contradiction. When Sir Isaac Newton had established the planetary system on the principle of gravitation and attraction, there were phenomena apparently at variance with the theory. But succeeding philosophers, starting from the point which in the progress of science had been reached by Sir Isaac Newton, applying his principles with improved means of investigating truth, solved the doubts which he had not been able to solve, and showed that the apparent contradictions, when all the disturbing influences were taken into account, became in fact new demonstrations of the soundness of the original theory. And the same result has followed, and will follow, in the case of objections which have been, and will continue to be, urged against the principle of the metallic standard. It must at the same time be admitted that it would be quite consistent with that principle to adopt some other measure of value than that which we have adopted. It would be consistent with that principle to select silver instead of gold as the standard,—to have a mixed standard of gold and silver, the relative values of the two metals being determined,—to dispense with gold coin altogether, and regulate the amount and value of paper currency by making it con-

vertible only, according to the proposal of Mr. Ricardo, into gold bullion of a given minimum amount. I trust, however, this House will adhere to the present standard,—will resolve on the maintenance of a single standard, and of gold as that standard. All the great writers on this subject, Sir William Petty, Mr. Locke, Mr. Harris, and Lord Liverpool, have been decidedly in favour of a single, in preference to a double standard. Mr. Locke, indeed, was of opinion that silver ought to be the standard; but there appears good ground to doubt the soundness of that opinion; and there are, at any rate, the most cogent reasons, since gold has been for a long course of years the standard in this country, for the continued maintenance of it. They are well stated in the admirable Treatise on Coins, written by the first Lord Liverpool. In that treatise a system of coinage is recommended, which is in exact conformity, both in point of principle and detail, with the system which we have adopted. Lord Liverpool observes:—

"After full consideration of this extensive, abstruse, and intricate subject, I humbly offer to your Majesty, as the result of my opinion,

"First, That the coins of this Realm, which are to be the principal measure of property and instrument of commerce, should be made of one metal only.

"Secondly, That in this Kingdom the gold coins only have been for many years past, and are now, in the practice and opinion of the people, the principal measure of property and instrument of commerce.

. . . .

"It has been shown that, in a country like Great Britain, so distinguished for its affluence and for the extent of its commercial connections, the gold coins are best adapted to be the principal measure of property; in this Kingdom, therefore, the gold coin is now the principal measure of property and standard coin, or, as it were, the sovereign archetype by which the weight and value of all other coins should be regulated.

"It is the measure of almost all contracts and bargains; and by it, as a measure, the price of all commodities bought and sold is adjusted and ascertained. For these reasons the gold coin should be made as perfect and kept as perfect as possible.

. . . .

"Thirdly. It is evident, that where the function of the gold coins as a measure of property ceases, there that of the silver coins should begin; and that where the function of the silver coins, in this respect, ceases, there that of copper should begin: it is clear, therefore, that so far only these silver and copper coins should be made legal tender and no further, at least not in any great degree; and it follows that the coins, both of silver and copper, are subordinate, subservient, and merely representative coins; and must take their value with reference to the gold coins according to the rate which the sovereign sets upon each of them."

These are, in fact, the principles which regulate our present coinage. We have a single standard, and that standard gold,—the metal which was practically the standard for many years previously to the suspension of cash payment. The silver coin is a mere token, auxiliary and subordinate to the gold coin; the ounce of silver being now coined into 66*s.* instead of 62*s.*, and silver coin not being a legal tender for any greater sum than 40*s.* By the abolition, in this part of the United Kingdom, of the promissory notes below 5*l.*, you introduce the gold coin into general use for the purpose of effecting small payments; you enable the holder of the smallest note to demand payment in gold, and thus insure the maintenance of a very considerable quantity of gold as a part of the circulating medium. There is, no doubt, some expense in the maintenance of a metallic circulation, but none, in my opinion, sufficient to countervail the advantage of having gold coin generally distributed throughout the country, accessible to all, and the foundation of paper credit and currency. It is contended by some, that if you were to dispense with coin altogether, to adopt the principle of Mr. Ricardo's plan, and make bank notes not convertible into gold at the will of the holder, excepting when presented to the amount of a very considerable sum (300*l.* or 400*l.* for instance), and then convertible into bullion and not coin, you would provide a security against the effects of a panic connected with political causes, causing a sudden demand for gold. I very much doubt the policy of taking such precautions against such a contingency, and consider that the most effectual measure for promoting permanent confidence in the paper circulation of the country, is to require that the gold coin shall be in general use for small payments, and that the promissory note shall be of equal value with the coin which it professes to represent. I shall here close my observations on the measure of value and the coinage, and proceed to the more immediate subject for consideration, namely, the state of the paper circulation

of the country, and the principles which ought to regulate it. I must state, at the outset, that in using the word money, I mean to designate by that word the coin of the Realm, and promissory notes payable to bearer on demand. In using the words paper currency, I mean only such promissory notes. I do not include in those terms bills of exchange, or drafts on bankers, or other forms of paper credit. I will not weary the House with a discussion as to the precise nature of deposits, and whether they constitute a part of the currency of the country. There is a material distinction, in my opinion, between the character of a promissory note payable to bearer on demand, and other forms of paper credit, and between the effects which they respectively produce upon the prices of commodities and upon the exchanges. The one answers all the purposes of money, passes from hand to hand without endorsement, without examination, if there be no suspicion of forgery: and it is in fact, what its designations imply it to be, currency or circulating medium. I do not deny that other forms of paper credit have some effects in common with Bank notes, that they all have a tendency to economise the use of metallic money, and have a common influence on the value of gold to the extent to which they dispense with the use of it, and thus leave a larger quantity available for the general purposes of the world than there would otherwise be. But I think experience shows that the paper currency, that is, the promissory notes payable to bearer on demand, stands in a certain relation to the gold coin and the foreign exchange in which other forms of paper credit do not stand. There are striking examples of this adduced in the Report of the Bullion Committee of 1810, in the case both of the Bank of England, and of the Irish and Scotch Banks. In the case of the Bank of England, shortly after its establishment there was a material depreciation of paper in consequence of its excessive issue. The notes of the Bank of England were at a discount of 17 per cent. There was no doubt as to the solvency of the Bank, for bank stock, on which 60 per cent. had been paid, was selling at 110 per cent. After trying various expedients, it was at length determined to reduce the amount of bank notes outstanding. The consequence was an immediate increase in the value of those which remained in circulation, the restoration of them to par, and a corresponding improvement in the foreign exchanges. In the case of Ireland, in the year 1804 the exchange with England was very unfavourable. A Committee was appointed to consider the causes. It was denied by most of the witnesses from Ireland that they were at all connected with excessive issues of Irish notes. It was then stoutly maintained—and it was afterwards in 1810—that "notes issued only in proportion to the demand in exchange for good and convertible securities, payable at specific periods, could not tend to any excess in circulation, or to any depreciation." In the spring of 1804, the exchange of Ireland with England was so unfavourable that it required 118*l.* 10*s.* of the notes of the Bank of Ireland to purchase 100*l.* of the notes of the Bank of England. Between the year 1804 and the year 1806 the notes of the Bank of Ireland were reduced from 3,000,000*l.* to 2,410,000*l.*, and the effect of this, taken in conjunction with an increase of the English circulation, was to restore the relative value of Irish paper and the exchange with England to par. In the same manner, an unfavourable state of the exchange between Scotland and England has been more than once corrected by a contraction of the paper circulation of Scotland. In all these cases the action has been upon that part of the paper credit of the country which has consisted of promissory notes payable to the bearer on demand. There has been no interference with other forms of paper credit, nor was it contended then, as it is now contended by some, that promissory notes are identical in their nature with bills of exchange, and with checks on bankers, and with deposits, and that they cannot be dealt with on any separate principle. There is a passage in the work to which I have before referred, the treatise of Lord Liverpool, which draws the just distinction between paper credit and paper currency, and exposes the fallacy of those who deprecate any attempt to regulate by law the paper currency, on the ground that it is not distinguishable in its nature from paper credit. Lord Liverpool observes—

"It has been a common artifice, practised by those who have written on paper currency, to confound paper credit with paper currency; and even the higher sorts of paper currency with the inferior sorts, such as immediately interfere with the use of the coins of the realm.

Paper credit is not only highly convenient and beneficial, but is even absolutely necessary in carrying on the trade of a great commercial kingdom.

"Paper currency is a very undefined term, as used by speculative writers. To find arguments in its support, at least to the extent to which it is at present carried, they have been obliged to connect it with paper credit; so that the principles on which the use of paper credit is truly founded, may be brought in support of a great emission of paper currency. Paper currency, strictly speaking, consists only of bills or notes payable or convertible into cash on demand by the person who issued the same at the will of the holder."

That appears to me to be the true definition of paper currency, as distinguished from paper credit. It is the substitute for, and the immediate representative of coin, and with coin it constitutes "money." And if you will adhere to the standard of value, and will adopt such measures as shall ensure the uniform equivalency of Bank notes to coin, you may safely, in my opinion, leave untouched other forms of paper credit, and entrust the regulation and control of them to individual caution and discretion. There are some, however, who admit the validity of this distinction, and yet contend that no new legislative interference is required in the case of promissory notes. In their opinion the true principles which should govern the issue of such notes are, freedom of competition, and immediate convertibility into coin at the will of the holder. The combination of these principles will, in their opinion afford to the public a complete security against abuse of the privilege of issue. In support of that opinion they have, undoubtedly, the high authority of Adam Smith and of Ricardo. Both these eminent writers assume that immediate convertibility into coin is all that is requisite to prevent the excessive issue of paper. It is no impeachment of their sagacity, if, in the progress which this science, like all other sciences, is making, there be reason to doubt the soundness of any particular opinion which they may have delivered. And it is our duty to disregard their authority, and to act on the conclusions of our own judgment, if either reason or experience convinces us that they are safer guides. It appears to me that we have, from reasoning, from experience, from the admissions made by the issuers of paper money, abundant ground for the conclusion, that, under a system of unlimited competition, although it be controlled by convertibility into coin, there is not an adequate security against the excessive issue of promissory notes. We should infer, certainly from reasoning, that free competition in the supply of any given article will probably ensure us the most abundant supply of that article at the cheapest rate. But we do not want an abundant supply of cheap promissory paper. We want only a certain quantity of paper, not, indeed, fixed and definite in nominal amount, but just such a quantity of paper, and that only, as shall be equivalent in point of value to the coin which it represents. If the paper be cheaper than the coin, it is an evil and not an advantage. That system, therefore, which provides a constant supply of paper equal in value to coin, and so varying in amount as to insure at all times immediate convertibility into coin, together with perfect confidence in the solvency of the issuers of paper, is the system which ought to be preferred. Now, unless the issuers of paper conform to certain principles, unless they vigilantly observe the causes which influence the influx or efflux of coin, and regulate their issues of paper accordingly, there is danger that the value of the paper will not correspond with the value of coin. The difference may not be immediately perceived,—nay, the first effect of undue issue, by increasing prices, may be to encourage further issues; and as each issuer, where there is unlimited competition, feels the inutility of individual efforts of contraction, the evil proceeds, until the disparity between gold and paper becomes manifest, confidence in the paper is shaken, and it becomes necessary to restore its value by sudden and violent reductions in its amount, spreading ruin among the issuers of paper, and deranging the whole monetary transactions of the country. If we admit the principle of a metallic standard, and admit that the paper currency ought to be regulated by immediate reference to the foreign exchanges,—that there ought to be early contractions of paper on the efflux of gold,—we might, I think, infer from reasoning, without the aid of experience, that an unlimited competition in respect to issue will not afford a security for the proper regulation of the paper currency. Let us now refer to the admissions made by those who are the advocates for unlimited competition. Several country bankers were examined by the Select Committee,

and their evidence is important: it demonstrates the absence of that controlling check upon issue which ought to be applied, if the principles for which I contend are just. Mr. Hobhouse a banker, in the south-west of England, (a brother of the right hon. Baronet the Member for Nottingham,) who spoke with some authority from his having been Chairman of the Committee of Private Bankers, and their selected organ, was examined before the Committee. What account did he give of the issues of private bankers? He was asked—

"With a rise of prices, would there be an increased paper issue by country bankers?"

He answered—

"Yes, there will be an increase in the local circulation when prices rise. Gold is a commodity, of which there may be a glut as well as a scarcity; and I could never see any reason to be frightened at an export or drain of gold."

He was then asked—

"Ought not there to be a contraction of the circulation under such circumstances?"

He answers—

"Whether there ought or ought not, I cannot tell; but I am sure, that, in fact, there could not be. I am perfectly satisfied that it is quite impossible for these local currencies to be influenced by the price of gold or the foreign exchanges."

He is then asked—

"Does is not often happen that your circulation is increased in the beginning of a drain of gold?"

He answers—

"Yes; we do not pretend that our circulation is at all governed by it. It is governed by what I have stated already."

Another witness examined was Mr. Stuckey. He was asked this question—

Supposing it should be ultimately thought that it is desirable that the country circulation should have a general conformity to the state of the foreign exchanges; do you conceive that this could, in any way, be effected by the country bankers?"

He answers—

"I do not at present see how it could be accomplished; and I may take the liberty of going further in answer to that question, and saying that it appears to me that the country issues, as conducted in the West of England, have very little or nothing to do with foreign exchanges."

Now, the effect of this evidence is, to prove that country banks do not and cannot control their issues according to the state of the foreign exchanges. The amount of their issues is governed by prices, rather than by a reference to the exchange. When speculation is active, and prices rise, that is to say, at the very time at which a check may most probably be required on the increased issues of the country banks, their activity is stimulated. Just at the period when that warning is given, so far from the warning being attended to, there is increased action in the opposite direction. Prices are rising. The country bankers have no control over their currency. The increase of price compels increase of issue, and thus there is going on at the same time the reciprocal action of increased speculation, and an additional stimulus given to that speculation by increased issues. The first witness from whose evidence I quoted, when asked whether the circulation of country banks was governed, as that of the Bank of England was, by the state of the exchanges, fairly admitted that it was not. He was asked,

"Do you not mean that when a drain of gold was beginning, that was the time when frequently the circulation of the country banks was increased?"

The answer of Mr. Hobhouse, is—

"Yes; there is an increase at the beginning of a drain of gold, and the circulation is not governed by it."

The fact is, there is no sense of individual responsibility; each issuer says, and says naturally enough, "It is in vain for me, individually, to contract my issues, when others will not do the same. I shall suffer by doing so. My efforts will produce no effect on the aggregate, while some competitor will take that share of the circulation which I may withdraw." And thus, each refusing to make the individual sacrifice (which, indeed, is useless where only made individually,) the crisis comes,—there is a demand for gold which cannot be satisfied, and the end of all is, much individual suffering and many fortunes ruined, from the necessity of a sudden and violent effort to establish, by the contraction of issue, an equilibrium between gold and paper. Thus it appears to me that the conclusions of reason against unlimited competition of issue, are amply confirmed by the admission of

the advocates for it. Are the lessons of experience at variance with the conclusions we are entitled to draw from reason and from evidence? What has been the result of unlimited competition in the United States? In the United States the paper circulation was supplied, not by private bankers, but by Joint-Stock Banks established on principles apparently the most satisfactory. There was every precaution taken against insolvency; unlimited responsibility of partners—excellent regulations for the publication and audit of accounts—immediate convertibility of paper into gold. If the principle of unlimited competition, controlled by such checks, be safe, why has it utterly failed in the United States? How can it be shown that the experiment was not fairly made in that country? Observe this fact. While there existed a central Bank (the United States Bank), standing in some such relation to the other Banks of the United States as the Bank of England stands to the Banks of the country, there was some degree (imperfect it is true) of control over the general issues of paper. But when the privileges of the Central Bank ceased, when the principle of free competition was left unchecked, then came, notwithstanding professed convertibility, immoderate issues of paper, extravagant speculation, and the natural consequences, suspension of cash payments and complete insolvency. Hence I conclude that reason, evidence, and experience combine to demonstrate the impolicy and danger of unlimited competition in the issue of paper. I have now stated—with respect to the measure of value, with respect to the coinage and currency—and with respect to promissory notes payable on demand—the broad and general principles which I think ought to regulate these three great elements of our monetary system. I have done on this occasion what I have done on others. I have stated, without the slightest compromise or concealment, the leading principles to which, in my opinion, our legislation in those matters ought to conform. I have now to state the extent to which I propose to carry out those principles. If I do not carry them out immediately to their full and entire extent, I may be told, as I have been told before, that very good principles have been laid down in the abstract, but that practically I shrink from their application. Nevertheless, the opinion which I have formerly expressed I still entertain—that it is of great importance that public men should acknowledge the great principles by which important measures should be regulated: and, in discussing a question of such magnitude as the present, I had rather it were said, "You fall short in the application of sound and admitted principles," than that "You have concealed or perverted those principles for the purpose of justifying your limited application of them." In addressing the House on this important subject, I have, in the first instance, stated principles which I deem to be correct, and which ought to be the rule and guide of our future legislation. I have now to consider, with the same unreservedness, how far the consideration due to special circumstances, to existing interests, to the usages and habits of the community, demands caution and limitation in the immediate application of those principles. All I can promise is, that I will propose no practical measure which is inconsistent with the principles which I have laid down, and which does not tend to their ultimate establishment. It is, however, most important that those who are responsible for the management of the affairs of a great country like this—seeing how easy it is, by unwise legislation, to create panic or introduce confusion into the monetary transactions of the country—it is most important that they should deal considerately with private interests: first, because justice requires it; and, secondly, because there is danger that the cause or progressive amendment and reform will be injured, if you cannot reconcile reform with a due regard to the welfare and happiness of individuals. In what mode then, admitting the principles I have announced to be correct, in what mode shall we best provide for the present application and ultimate establishment of them, with the least disturbance of existing interest? Some have contended, and I am not prepared to deny the position, that if we had a new state of society to deal with, the wisest plan would be, to claim for the State the exclusive privilege of the issue of promissory notes, as we have claimed for it the exclusive privilege of coinage. They consider that the state is entitled to the whole profits to be derived from that which is the representative of coin, and that if the State had the exclusive power of issuing paper, there would be estab-

lished a controlling power which would insure, as far as possible, an equilibrium in the currency. At the same time there have been men, whose judgment is also entitled to weight, who have expressed a different opinion on this subject. This question was under the consideration of the House when Lord Althorp brought forward the Bank Charter Bill, in 1833. It had also been the subject of consideration in the Select Committee of 1832; and Lord Althorp, in moving the extension of the Bank Charter, discussed the policy of a single bank of issue to be constituted by and responsible to the Government. Having mentioned the name of Lord Althorp, I must, though I differ from that noble Lord in respect to politics, bear testimony to his integrity, and to the soundness of his judgment in all financial matters. No man who ever filled the office which the noble Lord then held is entitled to stand higher in public estimation as respects those qualifications for a public trust. On the occasion to which I have just referred, Lord Althorp said:—

"Another point for consideration is, whether the profits, which must necessarily be derived from the circulating medium of the country, should be possessed by Government, or should be allowed to remain in private hands? Now, Sir, the advantages, the only advantages, which I have been enabled to discover in a Government bank, as compared with a private company, are those which result from having responsible persons to manage the concern, the public deriving the benefit of it; but then, on the other hand, I think these advantages are much more than counterbalanced by the political evils which would inevitably result from placing this bank under the control of the Government. I think that the effect of the State having the complete control of the circulating medium in its own hands would be most mischievous. Under these circumstances, Sir, I certainly am prepared to propose the continuation of a single bank of issue in the metropolis, subject to the control of the publicity of their accounts. If we were now, for the first time, establishing a system of banking on which the country should proceed, I think this would be the most advisable mode of establishing a bank in the metropolis. But, Sir, this proposition has the additional advantage—and it is no mean one—that it will occasion the least change; because I certainly am of opinion that, unless some great advantages could be derived from a change in the monetary system of this country, nothing could be more ill-advised—nothing could be more useless, than to depart from it."

In the latter part of Lord Althorp's observations I entirely agree. The true policy in this country is to work, so far as it be possible, with the instruments you have ready for your hand—to avail yourselves of that advantage which they possess from having been in use, from being familiar from constituting a part of the habits and usages of society. They will probably work more smoothly than perfectly novel instruments of greater theoretical perfection. If we disturb that which is established, let us have some good practical reason for the change. It is now incumbent on me to detail and explain the practical measures which I propose for the regulation of the currency. I will state them consecutively, and without intermediate comment, in order that the House may be in full possession of the plan recommended by the Government. We think it of great importance to increase the controlling power of a single Bank of Issue. We think it the wisest course to select the Bank of England as that controlling and central body, rather than to appoint Commissioners acting under the authority of Parliament for the purpose of the issue of a Paper Currency. I therefore propose, with respect to the Bank of England, that it should continue in possession of its present privileges of Issue, but that there should be a complete separation of the business of banking from that of Issue; that there should be a department of Issue separate from the department of Banking, with separate officers and separate accounts. I propose that to the Issue department should be transferred the whole amount of bullion now in the possession of the Bank, and that the Issue of Bank Notes should hereafter take place on two foundations, and two foundations only:—first, on a definite amount of public securities; secondly, exclusively upon bullion. The action of the public will regulate the amount of that portion of the note circulation which is issued upon bullion. With respect to the banking business of the Bank, I propose that it should be governed on precisely the same principles as would regulate any other Body dealing with Bank of England notes. The fixed amount of securities on which I propose that the Bank of England should issue notes, is 14,000,000*l.*, the whole of the remainder of the circulation to be issued exclusively on the foundation of bullion. I propose that there should be a complete periodical

publication of the accounts of the Bank of England, both of the Banking and Issue Department. Objections were urged in 1833, to frequent publications of these accounts; but, in my opinion, those objections are without foundation. I have the strongest impression that nothing will more conduce to the credit of the Bank itself, and to the prevention of needless alarm, than the complete and immediate disclosure of its transactions. I would, therefore, propose to enact by law that there should be returned to the Government a weekly account of the issue of notes by the Bank of England, of the amount of bullion, of the amount of deposits, of securities, in short, a general summary of every transaction both in the Issue department and the Banking department of the Bank of England; and that the Government should forthwith publish unreservedly, and weekly, the account which they receive from the Bank. It is desirable, in order to make the whole plan more clearly understood, that I should now state the regulations we propose to establish with respect to other banking establishments, and afterwards, that I should revert to the subject of the Bank of England, and state the terms which we have made with the Bank, subject to the ratification of Parliament. Our general rule is, to draw a distinction between the privilege of Issue and the conduct of the ordinary banking business. We think they stand on an entirely different footing. We think that the privilege of Issue is one which may be fairly and justly controlled by the State, and that the banking business, as distinguished from Issue, is a matter in respect to which there cannot be too unlimited and unrestricted a competition. The principle of competition, though unsafe in our opinion when applied to Issue, ought, we think, to govern the business of banking. After the issue of paper currency has once taken place, it is then important that the public should be enabled to obtain the use of that issue on as favourable terms as possible. With regard to banks in England and Wales other than the Bank of England, we propose, that from this time, no new bank of issue should be constituted. I have stated that our object is to effect the change we contemplate, with as little detriment as possible to individual interests. We, therefore, do not propose to deprive existing banking establishments, which are now actually banks of issue, of the privilege they possess. We do not wish to raise that alarm which we fear would be excited if there should be any sudden extinction of the power of issue now possessed by these banking establishments. Leaving, therefore, to the existing banks, which are actually banks of issue, their privilege of issue, we subject them to the condition that they shall not exceed the existing amount of their Issue; this amount to be determined by the average Issue of each Bank for a definite preceding period, of two or three years, for instance. The Bank of England will thus be acquainted with the extent of the Issue from all other establishments. I know I am liable to be told that the Issues of these Banks may be much larger, under particular circumstances and at particular periods, than at others: but I have obtained Returns, of a confidential nature, from ten of the best conducted banks in the country, six of them being in agricultural, and four in manufacturing districts; and the amount of their variation of Issue is much less than might be imagined. If, however, there should at any time be a demand for an increased Issue, there would always be the ready means of supplying it; as the Banks may, by investing a portion of their capital in public securities, command a given amount of Bank of England Notes by the sale of such securities, and, with those Notes, may supply any occasional demand for increased local issues. While we thus restrain the issue of Promissory Notes, we intend to facilitate the Banking business. Many of the Joint-Stock Banking Companies have not at present the privilege of suing and being sued. There are two descriptions of Joint-Stock Banks; those constituted under the Act of 1826, and those established under the Act of 1833. The time has come when you must determine whether you will permit and encourage the system of Joint-Stock Banks, or extinguish it. If you determine to retain the system, then you ought to give the Banks every facility for the transaction of their business. The Joint-Stock Banks ask for the privilege of suing and being sued; but this privilege, if granted, is a privilege not only to them, but to the public, who will have readier means of procuring redress in case of wrong. Proceeding on the principles of facilitating Banking ope-

rations, we propose to amend the existing law in other particulars. The place whence legal notice may be issued by Joint-Stock Banks, or where it may be served, is at present imperfectly defined. Again, the Joint-Stock Banks are bound by the acts of an unauthorized partner, it being the principle of partnerships that the acts of one bind the rest of the partners. But in the case of Joint-Stock Banks with a very large proprietary, there are no means of controlling the admission of individual partners. The purchase of shares constitutes a partner. We propose, therefore, to exempt the Company from liability on account of the unauthorized acts of a simple partner; still making the Company responsible for the unauthorized acts of a Director of the Bank. The appointment to be a Director implies choice, and the confidence of the elective body; and this distinction between liabilities for the acts of a Director, and that for a simple partner is therefore a just one. The chief complaint of the Joint-Stock Banks in London is, that they cannot accept Bills for a less date than six months. Other private Banking Establishments in London have an unlimited power of acceptance, but Joint-Stock Banks labour under the prohibition I have mentioned. This was insisted on by the Bank of England, when the last Charter was discussed, in order that the Joint-Stock Banks should not come into competition with that establishment and the London Private Banks, by being allowed the power of acceptance for a less date than six months. We propose to place the Joint-Stock Banks in London on a perfect equality in this respect, and to give them the power of accepting Bills of any amount and for any period. It is thought by some that this privilege might be so perverted as to give rise to a paper currency differing in form, but not in principle, from Promissory Notes. The power has been held by Private Banks from time immemorial, and it has not hitherto been accompanied by any abuse; and why should it be anticipated that Joint-Stock Banks would abuse a similar power, contrary to the intentions of the Legislature? But I give public notice, that, if the power should be abused,—if it should be attempted to circulate small Bills so accepted, within the limits reserved to the Bank,—I shall not hesitate to appeal to Parliament on the instant, for the purpose of correcting that evil. These, then, are the facilities we propose to extend to the Joint-Stock Banks. I will now mention the conditions or restrictions we propose to apply to all existing Banks. In the first place, we require of all such Banks, that there be a full and complete periodical publication of the names of all Partners and Directors. This is what the London and Westminster Bank voluntarily publishes. It is said, that the public have a great security against loss, in the fact, that each partner is liable to the extent of his whole fortune for the debts of the Bank to which he belongs. Very well. Let the public then know who the partners are. Let us know the transfers of shares that take place; let us determine how long the responsibility for the possession of shares will attach to a party; as we have the comfort of unlimited responsibility, give us the names of those who are our guarantees. There is another condition we have a right to insist upon. We are to continue to existing Banks the privilege of Issue. Let us know the amount of the Issues. We are going to demand from the Bank of England a weekly account of Issues, and any Bank exercising the privilege of Issue ought to make a similar publication. If a Bank objects to the condition of publication, it can absolve itself from it by issuing only Bank of England paper. It is said, that the weekly publication of issues will disclose secrets of which a rival may take advantage; that it will show "the weak point." Now I wish "the weak point" (if there be one) to be shown, and that the public may have the advantage of knowing it. It is said, erroneous inferences will be drawn from weekly publication; that the issues at one time will appear large, and at another comparatively small. But the frequency of publication will enlighten the public mind on these points, and will dispel the erroneous impressions to which ignorance or the attempt at concealment gives rise. Having required the publication of their Issues from all Banks to which the privilege of Issue is continued, I do not propose to carry further the demand for publicity. I do not wish to pry into the affairs of each Bank, and above all, I deprecate the taking of delusive securities against mismanagement and abuse. The public will hereafter know the names of the persons by whom Banking business is to be conducted, and the public must rely on their own caution and discretion

as a security against being injured or defrauded. It has been frequently proposed to require from each bank a periodical publication of its liabilities, its assets, and the state of its transactions generally. But I have seen no form of account which would be at all satisfactory —no form of account which might not be rendered by a bank on the very verge of insolvency, if there were the intention to conceal a desperate state of affairs. The return for instance of "overdrawn accounts" might lead to very erroneous inferences as to the condition of a bank making such a return. A large amount of overdrawn accounts might in one case be indicative of gross mismanagement. It might in another case be perfectly compatible with the security of a bank, acting on the Scotch principle, and making advances at interest to customers in whom the bank had entire confidence. It has been proposed by some that the shares of Joint-Stock Banks should be prohibited below a certain minimum; that there should be no shares of amounts less than 100*l.* or 50*l.*, or some fixed amount. But as, under the encouragement of the Legislature, banks have been established with 20*l.* and 10*l.* shares, and now exist, and, I believe, in many cases, have conducted their business satisfactorily, it would be harsh to insist on a sudden alteration in the amount of shares in the case of existing banks. Then, again, as to calling on all existing banks to invest a portion of their capital in Government securities, I have considered this maturely: but I see great difficulty in the way of forcing upon existing banks any compulsory arrangement of this nature, little prospect of any additional security from loss. As to future companies we have a right to make what regulations we please, and to adopt as to them what we may deem a better principle for their establishment. We propose, then, that no new Joint-Stock Bank of deposit (of course it cannot be one of issue) shall be constituted except upon application to a department of the Government for this purpose; that there shall be a registration of the prospectus, a certain amount of paid-up capital, and a limitation as to the nominal amount of of each share. We propose also to require that the deed of settlement should be drawn up according to a prescribed form. The deeds at present are drawn up according to no fixed form, and there is great difficulty in ascertaining, by a reference to the deeds of settlement, from their complexity and want of uniformity, what are the powers and liabilities of banks, and what are the regulations under which they act. We expect that new banks will be constituted, conforming to the principles we thus establish; issuing, if they are Banks of Issue, the paper of the Bank of England, and by their conformity to those principles, establishing claims upon the public confidence. They may, no doubt, interfere with the business and profits of existing banks; but we exclude no existing bank from the power of adapting the new regulations to its own concerns, and we consider that species of interference which arises, not from vexatious intermeddling with the affairs of an existing bank, but from a purification and improvement of the system of Banking, to be perfectly legitimate. Having thus stated the proposed regulations as to the other banks, I now revert to the position of the Bank of England, and the relation in which it is to stand to the Government. I interrupted my statement as to the Bank, because I can make our proposed relations to the Bank more intelligible by having first described the regulations applicable to other Banking Establishments. I have stated that the issues of the Bank are to be upon bullion and upon a fixed amount of securities. We propose that 14,000,000*l.* should be that amount of securities. Seeing no advantage in a change, we propose to continue upon the present terms the existing loan of 11,000,000*l.* made by the Bank to the Government, at 3 per cent. This debt of the Government to the Bank is to be assigned as part of the security on which the issues of the Bank are to take place. There will then remain 3,000,000*l.* of additional securities, Exchequer bills or other securities, over which the Bank are to have entire control. We propose that the Bank should have a right, in case of necessity, to limit its issues upon that portion of the securities, viz. 3,000,000*l.* Circumstances might possibly arise in which the Bank might find it necessary to restrict its issues within the amount of 14,000,000*l.* In that case the Bank will have full power to diminish the 3,000,000*l.* of securities which are to be deposited in addition to the 11,000,000*l.* of debt assigned. I can hardly conceive a case in which it would be advisable to

limit the issues to less than 11,000,000*l.* I have said that the Bank shall be restricted from issuing notes upon securities to any greater extent than 14,000,000*l.* This restriction applies, however, to ordinary circumstances and the present state of the affairs of the Bank. The case may occur in which it would be reasonable, and indeed might be necessary, that there should be an increase of the issues of the Bank upon securities. Suppose the country circulation to amount to 8,000,000*l.*, and of this amount 2,000,000*l.* to be withdrawn, either in consequence of the failure of banks, or in consequence of agreements with the Bank of England to issue Bank of England paper—in that case, in order to supply the void, it may be necessary that the Bank should make an increased issue. A part of this issue may fairly be made upon securities. Our proposal is, that the profit to be derived from such an issue shall be placed to the account of the Government; and that no increased issue upon securities shall take place without a communication from the Bank to the Government, and without the express sanction of three Members of the Government: the First Lord of the Treasury, the Chancellor of the Exchequer, and the President of the Board of Trade. We do not contemplate, and do not intend to provide for, an increased issue upon securities in any other case than to that which I have referred, namely, the supply of a void caused by the withdrawal of some considerable portion of the existing country circulation. Let me here advert to an Enactment which passed when the Bank Charter was last continued, which passes by the name of the Legal Tender Clause. It enabled other banks than the Bank of England to pay their notes in notes of the Bank of England, and thus relieved them from the obligation of paying in coin. I opposed this Clause at the time, considering it to be at variance with the principle of immediate convertibility. I do not now propose to repeal it, seeing that it has been in operation for several years, and that it may facilitate the substitution of Bank of England notes for the notes of other banks. It may serve to increase the controlling influence of the Bank, and to habituate the public to the use of its notes. The consequences either of the continuance or of the repeal of the Clause are probably less than is generally supposed. I will now detail the pecuniary engagements made with the Bank upon the part of Government. The Bank is to retain the privilege of issuing notes on securities to the amount of 14,000,000*l.* On an interest of 3 per cent., the gross gains of the Bank upon this total of issue would be 420,000*l.* In estimating the net profits, we must consider the deductions to be made. First, what is the cost of the issue? The Bank, for the sake of the public, conducts its issue on a liberal principle. It does not reissue notes; it provides the means of keeping every note issued within ten years; it gives therefore great facilities to the public in the detection of fraud or the tracing of transactions within that period. The total cost to the Bank, on an issue of 20,000,000*l.*, has been estimated (by the Committee of 1833) at 117,000*l.*, but I am inclined to estimate it at about 113,000*l.*, which, taken from 420,000*l.*, leaves 303,000*l.*? There is then to be deducted about 60,000*l.* composition with the Stamp Office, for the privilege of issuing notes. There is also about 24,000*l.* paid by the Bank to those bankers who undertake to issue Bank of England notes, receiving a commission of 1 per cent. The result is, after substracting these items, that there would be a net profit of 220,000*l.* derived from the issuing of notes. What is the sum we are to claim from the Bank for continued privileges? The Bank think we ought to make a material deduction from the sum fixed when the Charter was last renewed and paid at present, namely, 120,000*l.* But though in some respects we affect the peculiar privileges of the Bank, we give to the Bank increased control over the paper currency, and increased stability to their banking business. We have, therefore, insisted on an equal payment in future. We have, of course, had negotiations on the subject; and I must, in justice to the Gentlemen who have conducted it on the part of the Bank (the Governor and Deputy Governor), declare that I never saw men influenced by more disinterested or more public-spirited motives than they have evinced throughout our communications with them. They have reconciled their duties as managers of a great institution, bound to consult the interests of the proprietors, with enlightened and comprehensive views of the public interests. I hope the House will feel that, in the Resolutions which I in-

tend to propose, there is nothing to which the Bank and the country ought not to accede with readiness. Hitherto the Bank of England has been accustomed to pay to the Government a sum of 120,000*l.* I now propose that the Bank should, in addition to that sum, pay once for all 60,000*l.*, being the amount of fixed annual composition for the issue of its notes, which will bring the entire amount to a sum of 180,000*l.*, to be paid annually by the Bank. The net profit of the Bank, to be derived from the issue of notes, will probably not exceed the sum of 100,000*l.* The House will no doubt bear in mind that the public pay to the Bank an annual sum of 248,000*l.*, under the provisions of certain Acts of Parliament, on account of the management, by the Bank, of the Public Debt. From this payment of 248,000*l.* will hereafter be deducted 180,000*l.*, leaving the total payment of the public to the Bank, on the balance of the two accounts, a sum of 68,000*l.* As to the duration of the Charter, we propose that it should be renewed for a period of twenty-one years, with a power of revision by Parliament at the expiration of ten years. We propose, however, a departure from the arrangement made when the Charter was last renewed, in the following respects. Under the existing Charter, the power to revise accrues at the expiration of ten years; but, if the opportunity be not then taken advantage of, the Charter will endure without alteration for a further period of eleven years. We propose that at any time, after the lapse of ten years, there shall be the power of revision; that Parliament, for instance, may permit twelve or fifteen years to pass, and may then, should they think fit, revise the Charter of the Bank and its relation to the Government. Of Ireland and Scotland I have hitherto made no mention; I propose to reserve for separate legislation the state of the currency of each of those parts of the United Kingdom. The prohibition against the establishment of new Banks of Issue will extend to them. They, also, will be included in those enactments which will require the performance, for the future, of certain conditions preliminary to the formation of new Joint Stock Banks. But I have thought it more prudent to deal, in the first instance, with the issue of promissory notes in England and Wales; to establish certain principles for the regulation of that portion of the circulation; and to leave Ireland and Scotland for future legislation, in respect to their paper currency. That currency stands on a different footing in each country, from that in which it stands in this part of the United Kingdom; and the single measure I have to propose is so extensive, and affects such numerous and powerful interests, that I have been unwilling to encumber it with enactments requiring separate consideration, or to cloud the prospects of success by having to encounter too powerful a combination of opponents. It will be remembered that to banks in Ireland and Scotland the law permits the issue of notes of a less value than five pounds, and that in Scotland there is no single bank partaking of the character of the Bank of England. In Ireland there is the Bank of Ireland, with privileges somewhat similiar to the Bank of England; but, on the whole, the circumstances of the two countries are so far different, that I should be unwilling to propose any measure affecting the circulation either of Scotland or Ireland, without the opportunity of much more mature consideration than it has been in the power of the Government to give to this branch of the subject. Permit me, before I conclude, briefly to recapitulate the outlines of the plan recommended by Her Majesty's servants. It is proposed that the Bank of England shall continue in possession of its present privileges—that it shall retain the exclusive right of issue, within a district of which sixty-five miles from London as a centre is the radius. The private banks within that district, which now actually issue notes, will of course be permitted to continue their issues to the amount of the average of the last two years. Two Departments of the Bank will be constituted: one for the issue of notes, the other for the transaction of the ordinary business of banking. The bullion now in the possession of the Bank will be transferred to the Issue Department. The issue of notes will be restricted to an issue of 14,000,000*l.* upon securities—the remainder being issued upon bullion—and governed in amount by the fluctuations in the stock of bullion. If there be, under certain defined circumstances, an increase of the issues of securities, it can only take place with the knowledge and consent of the Government; and the profit derivable from such

Issue will belong to the public. Bankers now actually enjoying the privilege of issue, will be allowed to continue their issues, provided the maximum in the case of each bank does not exceed the average of a certain prescribed period. A weekly publication of issues will be required from every Bank of Issue. The names of shareholders and partners in all banks will be registered and published. No new Bank of Issue can be hereafter formed, and no Joint-stock Company for banking purposes can be established, except after application to the Government and compliance with various regulations which will be hereafter submitted to the consideration of Parliament. I have now concluded the duty which I have to perform, and trust I have clearly explained to the House the principle and details of the plan which the Government proposes for the future regulation of the currency, and the grounds upon which it is founded. I ask for no vote to-night on the resolutions which I shall propose, *pro formâ*, and, if I might give advice on such a subject, would recommend the postponement of discussion to a future day. To-morrow the correspondence which has taken place with the Bank, explaining more in detail our communications with the Bank, and the nature of the pecuniary arrangements between the Bank and the Government, will be laid upon the Table. The knowledge of that correspondence is important as a preliminary to full and satisfactory discussion on the merits of our proposal. Considering the part which I took in the year 1819 in terminating the system of inconvertible paper currency, and in re-establishing the ancient standard of value, it will no doubt be a source of great personal satisfaction to me, if I shall now succeed, after the lapse of a quarter of a century since those measures were adopted, in obtaining the assent of the House to proposals which are, in fact, the complement of them, and which are calculated to guarantee their permanence, and to facilitate their practical operation. But my gratification will be of a higher and purer nature than any connected with the satisfaction of personal feelings, if I may look forward to the mitigation or termination of evils, such as those which have at various times afflicted the country in consequence of rapid fluctuation in the amount and value of the medium of exchange. When I call to mind the danger to which the Bank of England has been exposed, the various effects of a sudden change from an overabundant to a contracted circulation, the reckless speculation of some of the Joint Stock Banks, the losses entailed on their shareholders, the insolvency of so many private banks, the miserable amount of the dividends which have in many cases been paid, the ruin inflicted on innocent creditors, the shock to public and private credit, then indeed I rejoice on public grounds in the hope, that the wisdom of Parliament will at length devise measures which shall inspire just confidence in the medium of exchange, shall put a check on improvident speculations, and shall ensure, so far as legislation can ensure, the just reward of industry, and the legitimate profit of commercial enterprise conducted with integrity and controlled by provident calculation. The right hon. Baronet concluded by moving—

"That it is expedient to continue to the Bank of England, for a time to be limited, certain of the privileges now by law vested in that Corporation, subject to such conditions as may be provided by any Act to be passed for that purpose."

Lord *J. Russell* wished to know if the Resolutions would be printed together with the Correspondence, so that the House might be enabled to see the whole plan?

Sir *R. Peel.*—Yes.

Mr. *Hume* asked whether the right hon. Baronet would produce a statement of the losses sustained by the public from the failure of Joint-Stock Banks?

Sir *R. Peel* said, that he had no objection to give the general result without giving the names.

Mr. *Hawes* begged to inquire what was the nature of the security upon which the Bank would make an issue to fill up a gap caused by meeting the demands of country banks?

Sir *R. Peel* said, if such an issue took place without any increase in the amount of securities, it would take place in a deposit of bullion, and there would be no necessity for opening an account between the Bank and Government in such a case.

Mr. *C. Buller* wished to know if the right hon. Baronet could say whether it would be possible to give, in the returns relating to the Joint-Stock Banks, the number and amount of outstanding notes of each of these Banks at the time it failed?

Sir *R. Peel* thought it would be possible.

Mr. *Gisborne* wished to know whether, supposing he wished to change a 5*l.* note, he should go to the Business department, or the department for Issue?

Sir *R. Peel.*—Either.

Mr. *S. Wortley* asked whether any alteration were to be made in regard to Branch Banks.

Sir *R. Peel* said, it was not intended to interfere with the Banks at present in existence. It was excessively difficult to say what was the distance beyond which no Branch Banks should be established. If it should be thought desirable with respect to new Banks that no branches should be established beyond a distance of ten or twenty miles from the Central Bank nothing could be more easy than to adopt some such regulations with regard to them. With respect to their notes, he apprehended they were bound to pay in notes to the Bank of England.

Mr. *P. M. Stewart* wished to know if the notes of the country Banks would be received in payment of taxes?

Sir *R. Peel*—Decidedly not.

Mr. *M. Philips* wished to know whether the weekly returns of the Branch Establishments would be made separately from those of the Bank of England?

Sir *R. Peel* thought the returns would be made simultaneously, but he would give the point his consideration.

Mr. *M. Philips* presumed the returns would appear in the *Gazette.*

Sir *R. Peel.*—Yes, either in the *London Gazette*, or some other official publication.

Resolution agreed to *pro formâ.*

"That it is expedient to continue to the Bank of England, for a time to be limited, certain of the privileges now by law vested in that Corporation, subject to such conditions as may be provided by any Act to be passed for for that purpose."

House resumed. Committee to sit again.

HOURS OF LABOUR IN FACTORIES.] House in Committee on the Factories Bill.

On Clause 22 being put,

Mr. *Hume* said, that he objected to any legislative interference in cases of accidents in Factories. The number of those accidents was small, and labour in Mills only should not be subject to such interference.

Mr. *M. Philips* thought it was invidious to make accidents in Factories only the subject of special legislation.

Mr. *S. Wortley* said, that a great number of the accidents which occurred in Factories might be prevented by a little precaution; and he thought that there was, therefore, a justification for the interposition of the Legislature in those cases.

Dr. *Bowring* said, that out of 116,000 operatives engaged in Factories, there were on an average but 10 per annum who were fatally injured. That was sufficient evidence that great precaution had been exercised by the manufacturers; and with such a proof, not of neglect but of extraordinary caution, it would not become the House to mark out the Factory owners as the object of special legislation.

Sir *J. Graham* said, that the whole subject of those accidents had been under the consideration of a Committee, which after the fullest inquiry, had recommended the adoption of the rules then under discussion. It was only by an order of the Secretary of State that prosecutions in in cases of accidents could be instituted at the public expense; and he did not think, therefore, that that power was likely to be abused. Compensation might also be given in those cases in which the granting of it would be justified by the circumstances. It appeared to him that that was a very reasonable proposal.

Mr. *Bernal* said, that the Return of Accidents to which the hon. Member for Bolton had referred gave only the number of cases on which coroners' inquests had been held. Many other serious accidents must, however, have also occurred.

Mr. *M. Philips* said, that in the Factories there were but twenty-nine fatal accidents compared to eighty-five fatal accidents in coal-pits; and he thought it was not unreasonable to assume, that the number of small accidents varied in the same proportion.

Clause amended and agreed to.

On Clause twenty-nine, children may be employed in factories at eight years of age.

Mr. *Fielden* was understood to say that he considered the employment of children under the age of ten years in factory labour, cruel and impolitic, and he moved the omission of the Clause.

Mr. *Aglionby.* (who sat immediately behind the hon. Member for Oldham) said he hoped that, if the hon. Gentleman intended to divide the House on this subject, he would restate the arguments he had been urging in such a manner that he (Mr. Aglionby) might hear them; for though he sat so near the hon. Member he had scarcely heard a single word that had fallen from the hon. Member.

Sir *J. Graham* said, that in consequence of the alterations proposed by this Bill with regard to the limitation of the hours of labour, he had thought it right to introduce this Clause, allowing children above the age of eight years to be employed in factories. The Clause succeeding that now under consideration would effect an additional limitation of the hours of work with respect to children. No limitation at present existed as to the age of children engaged in silk manufactories; and a child five years of age might be employed in that description of work.

Mr. *F. Maule* was convinced that the manufacturers would avail themselves of any permissive provisions in this Bill, and he saw no ground for allowing children to work in cotton mills at the age of eight years, when the House had, after full consideration, previously fixed the age of nine years as that under which no children should be employed.

Mr. *Fielden* expressed his intention to press his Amendment to a division.

The Committee divided on the question, that the Clause stand part of the Bill: —Ayes 137; Noes 40: Majority 97.

List of the AYES.

Ackers, J.
Acland, Sir T. D.
Acland, T. D.
Aldam, W.
Allix, J. P.
Antrobus, E.
Arbuthnott, hon. H.
Bailey, J.
Baird, W.
Baldwin, B.
Bateson, T.
Beresford, Major
Blackburne, J. I.
Boldero, H. G.
Bowes, J.
Bowring, Dr.
Boyd, J.
Brisco, M.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Busfeild, W.
Campbell, J. H.
Cardwell, E.
Chelsea, Visct.
Clerk, Sir G.
Clive, hon. R. H.
Collett, W. R.
Coote, Sir C. H.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, G.
East, J. B.
Ebrington, Visct.
Eliot, Lord
Escott, B.
Farnham, E. B.
Feilden, W.
Flower, Sir J.
Forman, T. S.
Forster, M.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Glynne, Sir S. R.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Hanmer, Sir J.
Hardy, J.
Harris, hn. E. A. J.
Hastie, A.
Hawes, B.
Hay, Sir A. L.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Hervey, Lord A.
Hillsborough, Earl of
Hobhouse, rt. hon. Sir J.
Hope, hon. C.
Hope, A.
Hope, G. W.
Howick, Visct.
Hume, J.
Hussey, T.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Law, hon. C. E.
Liddell, hon. H. T.
Lockhart, W.
Lyall, G.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Marshall, W.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Maunsell, T. P.
Meynell, Capt.
Miles, W.
Morgan, O.
Morrison, J.
Neeld, J.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, A. S.
Oswald, A.
Palmer, G.
Parker, J.
Philips, M.
Pringle, A.
Protheroe, E.
Pusey, P.
Repton, G. W. J.
Rolleston, Col.
Round, C. G.
Shaw, rt. hon. F.
Stock, Mr. Serjt.
Strutt, E.
Sutton, hon. H. M.
Tancred, H. W.
Tennent, J. E.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Trelawny, J. S.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Turnor, C.
Vane, Lord H.
Vivian, J. E.
Walsh, Sir J. B.
Warburton, H.
Wawn, J. T.
Welby, G. E.
Wellesley, Lord C.
White, H.
Wodehouse, E.
Wood, C.
Young, J.

TELLERS.

Fremantle, Sir T.
Baring, H.

List of the NOES.

Aglionby, H. A.
Ashley, Lord
Bannerman, A.
Baskerville, T. B. M.
Beckett, W.
Bernal, R.
Borthwick, P.
Brotherton, J.
Butler, P. S.
Byng, rt. hon. G. S.
Collett, J.
Crawford, W. S.
Gill, T.
Gisborne, T.
Granger, T. C.
Hatton, Capt. V.
Howard, Sir R.
Humphery, Ald.
Hussey, A.
Lambton, H.
McGeachy, F. A.
Marsland, H.
Miles, P. W. S.
Morris, D.
Plumptre, J. P.
Plumridge, Capt.
Rashleigh, W.
Rice, E. R.
Russell, J. D. W.
Scholefield, J.
Smith, B.
Smith, rt. hon. R. V.
Stanfield, W. R. C.
Stanton, W. H.

Talbot, C. R. M.	Wortley, hon. J. S.
Taylor, J. A.	TELLERS.
Williams, W.	Fielden, J.
Wortley, hon. J. S.	Maule, rt. hon. F.

Clause agreed to.

On Clause thirty,

Mr. *John S. Wortley* said, he believed that in some parts of the country this Clause would produce great difficulty and inconvenience, and would be far from advantageous either to the employers or the children. In the district with which he was connected, where the population was not collected together in masses, but scattered over the country, he apprehended it would operate most inconveniently; for in that district, owing to the distance the children had to travel before reaching the mills, they would scarcely be likely to undertake the trouble of the journey for the sake of a few hours' work. Mr. Sanders, in his last Report but one, entered very fully into this subject, and he admitted that in many parts of the country there would be great difficulty in carrying into operation the proposition contained in this Clause. Indeed, there was considerable difference of opinion among the inspectors as to this question. He begged to remind the House, that in many cases mills were worked by water power, and as the supply of water was uncertain, it would be impossible for them to work during specified hours. Under such a restriction as that proposed by this Clause they must frequently be prevented from working when they had a plentiful supply of water, which would produce most serious inconvenience. He hoped, therefore, under the circumstances, that the right hon. Baronet would pursue a course similar to that taken by a right hon. Gentleman opposite in 1841, and introduce a Clause enabling the Secretary of State to make some relaxation in the provisions of this Clause.

Mr. *Stansfield* said, he hoped the right hon. Baronet would accede to the suggestion of the hon. Member. He thought this was the only way of making the Bill work fairly.

Clause agreed to.

On Clause thirty-two—women to be employed as young persons.

Viscount *Ebrington* was not satisfied with the reasons that had been assigned for introducing the new principle of restricting the time for adult labour. He should therefore move the omission of the Clause.

Mr. *M. Philips* said that if the Clause were passed as it then stood it would, he believed, have an effect far beyond what was intended.

The Committee divided on the question that the Clause stand part of the Bill.—Ayes 161; Noes 22: Majority 139.

List of the AYES

Ackers, J.	Drummond, H. H.
Acland, Sir T. D.	Duncombe, hon. A.
Acland, T. D.	East, J. B.
Adare, Visct.	Eliot, Lord
Adderley, C. B.	Estcourt, T. G. B.
Aglionby, H. A.	Farnham, E. B.
Ainsworth, P.	Fielden, J.
Aldam, W.	Flower, Sir J.
Alexander, N.	Forbes, W.
Alford, Visct.	Forman, T. S.
Antrobus, E.	Gardner, J. D.
Arundel and Surrey, Earl of	Gaskell, J. Milnes
Ashley, Lord	Gladstone, rt. hn. W. E.
Bagot, hon. W.	Gladstone, Capt.
Bailey, J.	Glynne, Sir S. R.
Baird, W.	Godson, R.
Baldwin, B.	Gordon, hon. Capt.
Balfour, J. M.	Goulburn, rt. hon. H.
Bankes, G.	Graham, rt. hn. Sir J.
Bannerman, A.	Granby, Marquess of
Baring, hon. W. B.	Granger, T. C.
Barrington, Visct.	Gregory, W. H.
Beckett, W.	Hale, R. B.
Bernal, R.	Hamilton, Lord C.
Blackburne, J. I.	Harcourt, G. G.
Boldero, H. G.	Hardy, J.
Borthwick, P.	Harris, hn. E. A. J.
Bowring, Dr.	Hawes, B.
Boyd, J.	Hayes, Sir E.
Brisco, M.	Henley, J. W.
Broadley, H.	Hepburn, Sir T. B.
Brotherton, J.	Herbert, hon. S.
Brownrigg, J. S.	Hervey, Lord A.
Bruce, Lord E.	Hillsborough, Earl of
Buller, Sir J. Y.	Hobhouse, rt. hn. Sir J.
Busfeild, W.	Hodgson, R.
Butler, P. S.	Holmes, hon. W. A.
Campbell, J. H.	Hope, A.
Cardwell, E.	Hope, G. W.
Chelsea, Visct.	Howard, hn. E. G. G.
Christopher, R. A.	Howick, Visct.
Clerk, Sir G.	Hussey, T.
Clive, hon. R. H.	Ingestre, Visct.
Colborne, hn. W. N. R	Jermyn, Earl
Collett, W. R.	Johnston, Sir J.
Compton, H. C.	Knatchbull, rt. hn. Sir E
Corry, rt. hon. H.	Knight, H. G.
Crawford, W. S.	Lambton, H.
Cripps, W.	Lefroy, A.
Damer, hon. Col.	Liddell, hn. H. T.
Darby, G.	Lockhart, W.
Davies, D. A. S.	Lowther, hon. Col.
Denison, E. B.	Mc Geachy, F. A.
Dickinson, F. H.	Mackenzie, W. F.
Dodd, G.	McNeill, D.
Douglas, Sir C. E.	Manners, Lord J.
	Marsham, Visct.

Martin, C. W.
Marton, G.
Masterman, J.
Maxwell, hn. J. P.
Miles, P. W. S.
Miles, W.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Muntz, G. F.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, A. S.
O'Connell, M. J.
Palmer, R.
Palmer, G.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Plumptre, J. P.
Pringle, A.
Protheroe, E.
Rashleigh, W.
Rendlesham, Lord
Rice, E. R.
Russell, J. D. W.
Sandon, Visct.
Scholefield, J.
Shaw, rt. hon. F.
Smith, B.
Somerset, Lord G.
Stanton, W. H.
Sutton, hn. H. M.
Taylor, J. A.
Tennent, J. E.
Thompson, Mr. Ald.
Tomline, G.
Trench, Sir F. W.
Trotter, J.
Verner, Col.
Vesey, hon. T.
Waddington, H. S.
Wawn, J. T.
Wellesley, Lord C.
Wodehouse, E.
Wortley, hn. J. S.
Wortley, hn. J. S.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

List of the NOES.

Collet, J.
Duncan, G.
Duncannon, Visct.
Escott, B.
Feilden, W.
Forster, M.
Gill, T.
Hastie, A.
Hay, Sir A. L.
Howard, hn. J. K.
Jervis, J.
Marshall, W.
Marsland, H.
Mitcalfe, H.
Parker, J.
Philips, M.
Stansfield, W. R. C.
Strutt, E.
Tancred, H. W.
Thornely, T.
Warburton, H.
Wood, C.

TELLERS.
Ebrington, Visct.
Hume, J.

Clause to stand part of the Bill.

Clause 37—Regulations as to holidays.

Lord *J. Manners*, in order to give an additional day to the holidays granted by the Bill, moved that the words "Good Friday, or Ascension Day," be substituted for the words "or Good Friday."

Mr. *Collett* was willing to give an additional holiday, but objected to religious observances being mixed up with popular holidays.

Mr. *Warburton* thought that the holidays should rather be on political than religious anniversaries, and was, therefore, in favour of an additional holiday on the Queen's birthday.

Sir *J. Graham* said that the Clause gave effect to the existing laws, and he was not prepared to vote for an additional whole holiday.

Mr. *Philips* said that if the working classes wished to have another holiday, they could easily obtain it from their employers.

The Committee divided on the question that the words—or Ascension Day be inserted.—Ayes 26; Noes 115: Majority 89.

List of the AYES.

Ackers, J.
Acland, T. D.
Adderley, C. B.
Ainsworth, P.
Arundel and Surrey, Earl of
Ashley, Lord
Borthwick, P.
Colborne, hon. W. N. R.
Courtney, Lord
Cowper, hon. W. F.
Crawford, W. S.
Dickinson, F. H.
Feilden, F.
Glynne, Sir S. R.
Hope, A.
Howard, P. H.
Mc Geachy, F. A.
Marsham, Visct.
Morris D.
Muntz, G. F.
Neville, R.
O'Connell, M. J.
Rashleigh, W.
Rendlesham, Lord
Scholefield, J.
Trotter, J.

TELLERS.
Manners, Lord J.
O'Brien, A. S.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Adam, W.
Alexander, N.
Baldwin, B.
Baring, hon. W. B.
Barrington, Visct.
Beckett, W.
Blackburne, J. I.
Boldero, H. G.
Boyd, J.
Brotherton, J.
Brownrigg, J. S.
Bruce, Lord E.
Butler, P. S.
Cardwell, E.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Collett, W. R.
Collett, J.
Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Carby, G.
Davies, D. A. S.
Dennison, E. B.
Dodd, G.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, G.
East, J. B.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Flower, Sir J.
Forbes, W.
Forster, M.
French, F.
Gardner, J. D.
Gaskell, J. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Gregory, W. H.
Hale, R. B.
Hamilton, J. H.
Harcourt, G. G.
Harris, hon. E. A. J.
Hawes, B.
Hayes, Sir E.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, G. W.
Howard, hon. E. G. G.
Howick, Visct.
Hussey, T.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lambton, H.
Lockhart, W.
Lowther, hon. Col.
Mackenzie, W. F.
Mc Neill, Duncan
Marshall, W.
Marsland, H.

Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Mitcalfe, H.
Mordaunt, Sir J.
Morgan, O.
Nicholl, rt. hon. J.
Peel, rt. hon. Sir R.
Philips, M.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Protheroe, E.
Sandon, Visct:
Shaw, rt. hon. F.
Somerset, Lord G.
Stansfield, W. R. C.
Stanton, W. H.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Trench, Sir F. W.
Verner, Col.
Vesey, hon. T.
Waddington, H. S.
Warberton, H.
Wawn, J. T.
Wellesley, Lord C.
Wortley, hon. J. S.
Wortley, hon. J. S.
Young, J.
TELLERS
Freemantle, Sir T.
Baring, H.

Clause agreed to.

On Clause 45 power of distraining goods in factories where the occupier is convicted.

Mr. *Granger* objected to the powers of distress under that Clause, so far as it gave power to seize the property of a third and innocent party. He moved as an Amendment to insert the words, "the property of such occupier."

The Committee divided on the question that the words be inserted.—Ayes 22; Noes 77: Majority 55.

List of the AYES.

Aldam, W.
Arundel and Surrey, Earl of
Collett, J.
Crawford, W. S.
Duncan, G.
Fielden, J.
Forster, M.
French, F.
Gill, T.
Hawes, B.
Henley, J. W.
Howard, P. H.
Marshall, W.
Marsland, H.
Mitcalfe, H.
Muntz, G. F.
Philips, M.
Scholefield, J.
Stansfield, W. R. C.
Strutt, E.
Wawn, J. T.
Yorke, H. R.
TELLERS
Granger, T. C.
Aglionby, H. A.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Ainsworth, P.
Archdall, Capt. M.
Ashley, Lord
Baldwin, B.
Barrington, Visct.
Beckett, W.
Boldero, H. G.
Broadwood, H.
Brotherton, J.
Bruce, Lord E.
Cardwell, E.
Clerk Sir G.
Clive, hon. R. H.
Collett, W. R.
Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Darby, G.
Denison, E. B.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Flower, Sir J.
Forbes, W.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gladstone Capt.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grogan, E.
Hale, R. B.
Hamilton, J. H.
Harris, hon. E. A. J.
Hayes, Sir E.
Hepburn, Sir T. B.
Herbert, hon. S.
Hillsborough, Earl of
Hodgson, F.
Holmes, hon. W. A'C.
Hope, A.
Hussey, T.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
McGeachy, F. A.
Mackenzie, W. F.
McNeill, D.
Mainwaring, T.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Miles, P. W. S.
Miles, W.
Morris, D.
Neville, R.
O'Brien, A. S.
Plumptre, J. P.
Pringle, A.
Rashleigh, W.
Sandon, Visct.
Shaw, rt. hon. F.
Stanton, W. H.
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Trotter, J.
Vesey, hon. T.
Waddington, H. S.
Wortley, hon. J. S.
Wortley, hon. J. S.
Young, J.
TELLERS
Fremantle, Sir T.
Baring H.

Clause to stand part of the Bill.

Remaining Clauses agreed to. House resumed. Bill to be reported.

CUSTOMS DUTIES.] House in Committee on the Customs Duties Acts.

Mr. *Gladstone* moved the following Resolutions:—

1. *Resolved*, That, in lieu and instead of the Duties of Customs now payable in respect of the Articles enumerated in the annexed Schedule, upon their Importation into the United Kingdom, there shall be raised, levied, collected, and paid, the rates of Duty spscified in the said Schedule; viz.—

	£.	s.	d.
Alganobilla Seed, the cwt. ..	0	0	3
Lard Oil, for every 100*l.* value	20	0	0
Myrobolane Berries, the ton ..	0	1	0
Vegetable Wax, the cwt. ..	0	2	0
Colchicum Seed, the cwt. ..	0	1	0
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom, the ton	0	1	0
Croton Seed, commonly used for expressing Oil therefrom, the quarter	0	0	1
Prussiate of Potash, the lb. ..	0	0	2
Tallow Greaves the ton ..	0	1	0
Scrap Steel, the ton	0	5	0
Gallic Powder, the ton	0	5	0

2. *Resolved*, That the said Duties shall be subject to the additional Duty of 5*l.* per centum on the amounts thereof respectively imposed by the Acts 3 Vic., c. 17, and 5 and 6 Vic., c. 47, except with regard to Cordials and Liqueurs which shall be subject to the Duty of 4*d.* per gallon, also imposed by the Acts aforesaid.

3. *Resolved*, That the Duties now chargeable

upon Flasks in which Olive Oil is imported, be repealed.

Resolutions agreed to. To be reported.

House resumed.

Adjourned at a quarter before two o'clock.

HOUSE OF LORDS,

Tuesday, May 7, 1844.

MINUTES.] BILLS. *Public.*—1ª. Exchequer Bills.
2ª. Debtors and Creditors.
Private.—2ª. Leeds and Selby Railway Purchase; Thetford Inclosure; Stone's Estate; Earl of Guilford's Estate.
Reported.—Edward's Estate; Hartlepool West Harbour and Docks; South Eastern, Canterbury, Ramsgate, and Margate Railway.
3ª. and passed:—Yarmouth and Norwich Railway.
PETITIONS PRESENTED. From Londonderry, and several other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers (Ireland) — From Sutton, for Protection to Agriculture.—From Clare, and 5 other places, against the Dissenters Chapels Bill.—From Cardigan, against the Union of St. Asaph and Bangor.

SAVINGS' BANKS.] Lord *Monteagle* said, he rose to call the attention of their Lordships to an article which appeared in one of the papers of this day (*The Times*) and he felt it right to do so in justice to himself, in justice to Her Majesty's Government, and in justice to a large body of persons whose interests were connected with the subject. Their Lordships were aware, by the Votes of the other House of Parliament, that a Bill had been introduced by Her Majesty's Government relative to the management of Stock in Savings Banks. Undoubtedly it was found, from past experience, a very critical matter to deal with the interests of the parties who deposited money in those Banks. They consisted of a great number of persons, who were not well acquainted with the subject, and amongst whom any misapprehension was calculated to create alarm. Now, in one of the daily papers of this day, he perceived (arising from misconception on the part of the person who wrote the article) a statemant on this subject calculated to impede the object which the Government had in view—to excite alarm amongst those who had deposits in Savings Banks—to prejudice the public interests generally, and in a much greater proportion to prejudice the interests of the depositors themselves. Because under the existing law, and under the law as it would stand as proposed to be altered, acting under a false impression, though they might withdraw the sums they had deposited in the Savings Banks, they could not, at their own mere will and pleasure, afterwards reinstate themselves in the same situation as that in which they stood before they acted on such unfounded apprehension. He, therefore, had taken it upon himself to bring the matter under the notice of their Lordships, and of the public as soon as possible. The House was aware, for it had passed under notice during a discussion upon a Motion for papers which he himself made, that during the period he had the honour to hold the office of Chancellor of the Exchequer, there were purchases of Exchequer Bills by the trustees of Savings Banks, and that those Bills were afterwards funded in the three per cent. stock. It was not now his intention or business to defend that mode of procedure; but the noble Duke opposite knew very well, whatever might be thought of it, that it was perfectly in accordance with the law. The Act of 1828 provided that the Government might invest Savings Banks' deposits either in funded or unfunded securities; and he had only availed himself of that provision. Now, the article to which he alluded, set forth,

"If it should be found (the writer, it would be seen, first assumed an hypothesis, and then converted it into a positive statement of fact)—"if it should be found that the funds which represented them, (the Savings Banks) have been seriously diminished by the tampering and jobbing, which took place during the time when the Whigs held office, the parties interested, on the principle which governs all trusts, are entitled to compensation, and to have all the circumstances duly considered in any new arrangement which it may be necessary for the country to make with them, owing to the alteration in the value of money and in the general reduction of interest."

And the writer went on to state, that in consequence of the tampering with these funds under Lord Monteagle there had been a decrease of interest to the amount of 80,000*l.*, or a loss representing capital to the amount of 2,000,000*l.* or 3,000,000*l.* Now, he could assure their Lordships that no such loss was sustained. The Papers on their Lordships Table, and on the Table of the other House of Parliament, proved that, and showed that the statement was altogether fallacious. But it was material for the depositors to know, that if such a loss as had been described, or any other loss, occurred, that loss could not fall on them; for to the depositors the public faith was pledged, that every depo-

sitor to the amount of 100*l.* or of any other sum, was entitled to the full amount of his 100*l.* or of his deposit be it what it might, whatever loss might be sustained by the purchase of Stock on the part of the Government. If not, there would be no security for the depositors in Savings Banks. His object, therefore, in calling the attention of the House to the subject, was, that he might make the most immediate, and he hoped, the most efficacious contradiction to a statement which, if true, might cause a run upon every Savings Bank in England, if once parties thought that their deposits were subject to loss on account of the management of the Savings Bank Stocks; and more, if they thought they were entitled to go to the Government and ask for a compensation amounting to several millions. He had said thus much, feeling it to be his duty to contradict at once a statement affecting the stability of the Savings Banks.

RECALL OF LORD ELLENBOROUGH.] The Marquess of *Normanby*: My Lords, I rise pursuant to notice, having the pleasure of seeing my noble Friend, the President of the Board of Control, for the first time, in his place, to put a question to him upon the subject of the production of the correspondence between the Court of Directors of the East India Company and Her Majesty's Government on the subject of the recall of Lord Ellenborough from India. In the peculiar circumstances under which I put this question, it is necessary for me to make a few preliminary observations. I am aware that I might have put myself more strictly in order, by concluding my remarks with a Motion for the production of those Papers; but as I have now, as hitherto, reason to believe that these Papers will be produced, and if not, that the refusal only can be based upon one ground, which, if stated upon the responsibility of my noble Friend, I am not prepared to resist, I have thought it would be more convenient to adopt the more informal course of putting a question. When certain opinions were recently pronounced in this House, in answer to a question put by the noble Baron opposite (Lord Colchester), I certainly thought the necessary and immediate consequence of those opinions having been so put forth, would have been the production of all the Correspondence on the subject, in order that the House might be enabled to form a correct judgment upon the matter, and to decide how far those opinions were just. I stated on that occasion that I regretted we could not at once have an answer as to the production of those Papers; but the noble Duke, in answer to the noble Lord who originally put the question, said, that although the Government were not then prepared to assent to the production of the Papers, yet that Parliament had a right to the fullest information upon the subject. I certainly so understood the noble Duke. It is not, I am aware, very regular to allude to proceedings elsewhere, or to parties who have not an opportunity of stating their views in this House; but I may just observe upon what passed in another place, where two gentlemen connected with the administration of Indian affairs stated that they hoped that in spite of what passed in their Lordships' House, public opinion would be suspended till the Papers were produced, and then Her Majesty's Prime Minister stated that he could not say at what time he should be prepared to produce the Papers. I may, therefore, infer by this, that up to that time, no conclusive reason was entertained by the parties interested against the production of those Papers. At the same time, except under one contingency, to which I will presently allude, if my noble Friend will, as a Minister of the Crown, say that the production of these Papers at the present moment will be detrimental to the public service, I, for one, at once say, that I am not prepared to press the matter. My regret that that opportunity was taken to pronounce a decided censure upon the conduct of parties who discharge the functions entrusted to them by the law of the land will be greatly increased, unless, indeed, the Government so charging those parties are prepared to lay before the House the grounds upon which that censure was founded. And permit me to say, that this regret is by no means inconsistent with that inviolable respect which, in common with all both here and elsewhere, I entertain for the noble Duke who was the organ of the Government on that occasion—a respect which it is impossible for any one more deeply to feel than myself. My regret is, therefore, not only perfectly consistent with that respect, but it is increased in exact proportion to the weight with which such an opinion, so expressed, is likely to fall upon those who are not allowed the opportunity of stating their own case. More, too, do I feel regret, when I remember

that that opinion is likely to be conveyed, not only to those more immediately interested, but also to our fellow-subjects in different parts of the world. We, as Members of a deliberative assembly, are bound to protest against any weight being given to that opinion until we are in such a position, that we are able to judge of its validity. And not only a deliberative assembly, my Lords, but we should remember that under certain circumstances, we are the highest Court of Judicature in the Realm, and in that capacity we are bound, by the fundamental rules of justice, to hear before we condemn. If the answer be, that the Papers cannot be produced—if there be any strong objection to lay them before your Lordships, I certainly shall feel my regret at the expression of opinion by the noble Duke very much increased. But it has been stated that this power of recall held by the Court of Directors is anomalous. That power has existed for more than half a century, and the unfortunate collision I am now noticing is the first that has arisen. What, then, under all the circumstances, are the probabilities of the case, if we are not to hear the facts? Is there anything in the constitution of the Court of Directors likely to make them less willing to attend to the suggestions of the Executive Government? Is it not known very well, that the majority of that body are favourable in their leanings to Her Majesty's Government? In the absence of positive testimony, then, who is there that would not believe that these parties were actuated by a sincere desire to perform the duties which the Legislature of the country has entrusted to them? They might, perhaps, be mistaken in the view they had taken of the matter; but, at all events, I believe it will be allowed that the Directors are actuated by a sincere desire to discharge fairly and properly the important duties that are committed to them. There is nothing in the general proceedings of the Executive Government that run in a direction opposite to their opinions, to render the parties desirous of quarrelling with it. Whatever difference of opinion I may entertain with some upon certain points relating to the position of the Government, however much I may be disposed to think that public opinion is not as strong in their favour as it was, at the same time, I see that in the other House they are at the present moment in the possession of a majority of ninety, while Parliament has but run the half of its natural existence. But, I say, my Lords, that in the absence of positive testimony, we are bound, viewing these facts, to believe that the body in question have acted in the faithful discharge of their duties, which it is undeniable they have upon every occasion done, and that they are not actuated by any feeling of hostility to the Government. But it has been stated that the Court of Directors acted in ignorance of the instructions sent out to India, and censure has been thrown on them on that ground. But what is the fact? This exclusive information of the Secret Committee is confined to a few particular portions of the functions of Government and those by no means numerous. I have been looking over the Statutes and the Charter, and I find that it is only on questions of war and peace, the negotiations with the native princes, and matters touching the policy of such negotiations, that secrecy is observed. But with respect to the other important functions of Government, as the administration of justice, the appointment or dismissal of officers and servants military and civil, and the general proceedings of the Executive Government, there is no question of secrecy; they come clearly within the cognizance of the Court of Directors and of the powers vested in them. Moreover, this is not merely a question of the instructions sent out, but of the result of instructions; for it cannot possibly be said, that Parliament should have left this power in the hands of the Court of Directors, and not left them the power of judging of the results of instructions. Is it not possible that the Court of Directors of the East India Company disapproved of the whole policy with respect to Scinde. They had the same means of judging of them as the two Houses of Parliament. The Court of Directors may then have objected to the policy of the occupation of Scinde—the injustice of it—or they may have objected to many of the proceedings connected with recent transactions in Gwalior. Therefore, to say, that they could not form an opinion upon certain specific points of the instructions sent out by Her Majesty's Government was not to state the whole case fairly to their Lordships. I am prepared to ask for the production of these Papers, and I think they ought to be produced, under an understanding that no discussion shall be taken on the conduct of the Governor General until he shall be himself present. If my noble Friend is content that the whole of the Question shall be deferred to some

more convenient opportunity—either when the noble Lord himself who is the subject of these discussions shall have returned, or to some other period when it is likely your Lordships can form a deliberate and impartial opinion upon the subject—if my noble Friend is prepared to put upon these grounds his refusal to produce these Papers, I, in my turn, am willing not to press the matter; but I put it to my noble Friend, whether, after what has passed, it might not be possible for him to accede to my wish. I certainly should much prefer to have the Papers now. Let me here remark, that I fully feel the fairness of postponing all discussion upon everything that relates to the conduct of the Governor General until that noble Lord is here in his place to defend himself. I, my Lords, although in a much smaller sphere, have experienced what it is to wield executive authority under difficult circumstances and in distant climes, and I am the last man to say, that we should not approach with calmness and deference the consideration of the conduct of all persons exercising such power—exercising it as they do in distant parts of the world, under aspects and in connection with circumstances and influences which probably do not appear to those at home. I am the last, I say, to contend, that the conduct of such men should not be viewed with candour and fairness. My noble Friend, therefore, need not be afraid, that in calling for the production of these Papers—which has been almost promised in the other House, and some expectation of it raised even here—that we should urge on a premature discussion, which I agree ought in fairness to be postponed until the noble Lord is here in his place. There is one other reason which I should say renders it peculiarly desirable that all discussion should be deferred until the noble Lord is present, and it is this:—In some of the most active organs of the Government, which have not been silent on the present occasion, nor very delicate in their criticisms upon the conduct of the Court of Directors, there is a suggestion that the Government may take the present opportunity of withdrawing some of those powers which the Act of 1833 confirmed to them. If there be such an intention entertained in any quarter, there is one noble Lord particularly who ought to be heard upon that subject. There is one noble Lord (Lord Ellenborough) who with that clearness and perspicuity which are remarkable in everything he says, did upon a former occasion, when the Government of the day proposed to make a reduction in the powers of the Court of Directors, impress upon you, with all that influence upon affairs relating to India, which he then possessed and still holds, the impolicy of such a course. He then warned you of the result of such a change. He told you to beware of the results of transferring power from the Court of Directors to the Board of Control; that the Board of Control would take the initiative instead of the revision; and he warned you against withdrawing from the Court of Directors the absolute power over their own servants and officers, to whom such important charges were confided. These, let it be remembered, were no new opinions on the part of the noble Lord; he had been the President of the Board of Control, and had taken his opinions from experience. Therefore, I say, if any such intention exists in any quarter, let the discussion be deferred until the most able advocate of the East India Company is restored to the walls of this House. I did not object to the delay on a former occasion, but I do regret that owing to a combination of unfortunate circumstances, the mail has gone out to India with an opinion pronounced in this House on the conduct of the Court of Directors, without any explanation being given of the reasons why this delay has taken place in answering the questions that have been put upon this important subject. I have now only to say, with respect to the indiscretion of the Court of Directors, either that they may have interfered judging wrongfully of the acts of the noble Lord, or it may be, that they did not give the Government due notice of their intention. With regard, however, to the last of these suppositions, what was stated by the noble Duke was conclusive in showing that the Government had seven or eight months notice; that they knew that there was a feeling of dissatisfaction on the part of the Court of Directors in regard to the conduct of the noble Lord. Therefore, at any rate, the indiscretion of that body wanted one quality by which indiscretion is generally distinguished—that of rashness. Whatever they did they did with deliberation. It remains, therefore, to be seen whether they can make out a case against the Government in relation to this point. Upon that I do not wish to offer an opinion. I can now only repeat, if upon grounds of the exigency of the

public service, my noble Friend says that it will be inexpedient these Papers should be produced, I, for one, will not press for their production. But, in justice to the parties concerned, I must claim the privilege of saying, that this House cannot, with the shadow ef propriety, entertain an opinion in the slightest degree against the Court of Directors, until that body shall have had an opportunity of placing the whole of their case in your hands.

The Earl of *Ripon*: I regret, my Lords, that it was absolutely impossible for me to make my appearance here at the time to which my noble Friend refers. I am, however, willing and ready to answer the question my noble Friend has put; and put, let me add, in a manner perfectly fair, just, and reasonable. It is quite usual in this House to put questions, accompanying them with observations; and in this case, moreover, I agree with my noble Friend that the course he has taken is more convenient than the more formal method of concluding with a Motion. In answer to the question of the noble Lord, I have now to state upon my responsibility, as a Minister of the Crown, that I feel it to be my duty, and I assure my noble Friend that I feel as strongly as I ever felt anything in my life, to say that I cannot consent to the production of these Papers. I believe that the production of them to your Lordships would be the cause of great injustice, as my noble Friend himself seems to admit, to the noble Lord who has been recalled from his high station; I am sure, also, it would be a great embarrassment to the right hon. Gentleman who has been appointed his successor; above all, I am confident, and I pledge my honour to the House, that it would be an act on the part of Her Majesty's Government most injurious and most inconvenient to the general administration of affairs in India, if the whole of that Correspondence were to be produced; and to produce a part would be obviously unsatisfactory, although it is impossible for me to explain why it would be so, because in so doing I might be indirectly and unintentionally doing that which it is my duty to avoid. The same consideration induces me not to enter into the other matters to which my noble Friend has alluded. But I will take the liberty of saying, that however I may regret the step taken by the Court of Directors—however inconsistent I may have thought that step with the course which would have been advisable—I am, nevertheless, bound to say, and I do say, that I am entirely convinced the Court of Directors, in taking the course they did, were influenced by no other motives than an honest and sincere conviction that they were doing that which they were called upon by their public duty to do. In saying this, I do justice to their motives; and if I do justice to their motives, I trust I may also ask your Lordships to do justice to me, and to Her Majesty's Government, and give us credit for being influenced by no other considerations than those of public duty in the course we have taken. I think it better, my Lords, as I cannot consent to the production of these Papers, and anxious as I am for the good government of India, not to risk entering upon the other topics to which my noble Friend has alluded. With respect to the production of the information at some other period, I think nothing could be more unwise than to enter into a pledge of that kind upon a subject like this. Certainly nothing could be more unwise or unsafe than to produce these Papers at the present moment.

Lord *Brougham* concurred with his noble Friend who had just sat down in all he had stated, considering that to enter into a full discussion without having the materials before the House, by which their Lordships could alone arrive at an accurate conclusion, would be acting most unjustly towards his noble Friend who was recalled from India. But upon this subject, which was legitimate matter of discussion, he (Lord Brougham) would give his opinion as succinctly and with as little detail as possible, respecting the conduct that Her Majesty's Government had exhibited. His noble Friend who had spoken first in the discussion had charged the Government with an act of indiscretion—had charged the noble Duke, the least indiscreet of human kind, with an act of indiscretion! The noble Duke was now, for the first time throughout his illustrious and brilliant career in the field and in the council, charged with an act of indiscretion, because he had given expression to his opinion upon a subject, and the Papers connected with it were not before the House. Was it an act of discretion on the part of the Court of Directors to leave India in the position they had in the first instance, having recalled the Governor General without appointing his successor? Was not the noble Duke right in designating that act as one of indiscretion? But it should be recollected,

in justice to the noble Duke, as well as his noble Friend Lord Ellenborough, what was the position in which the Government was placed by the course which the Court of Directors thought proper to take. They (the Government) were called upon to give an opinion with regard to the conduct of the Court of Directors. If the Government had refrained from expressing any opinion on the subject, it would have been immediately inferred that they sanctioned the act of the Board of Directors; and he put it to their Lordships, what would have been the lamentable consequences if such an impression and belief had gone out to their Indian empire? It would have been stated that the Directors had disapproved of the conduct of Lord Ellenborough on some unknown particulars; that the Government had adopted the act of the Directors; what, he repeated, would have been the consequences if such a statement had gone to India? How long would India have been tranquil under such a belief? It was very easy, as the Directors said, to say, we take the responsibility on ourselves; we are responsible for the policy of India. But somebody else would have been responsible, if the noble Duke and his noble Friend opposite had said that they adopted the acts of the Directors. What could they do but say, that they differed from the Directors, that they disapproved of their conduct, that they thought the Directors had been guilty of an act of great indiscretion? No impeachment of the purity of their motives, no imputation of dishonesty, of corruption; but a charge of great, or if you will, of gross, or if you will, of unprecedented indiscretion, which is quite compatible with incorrupt motives. A singular fallacy pervaded the argument of his noble Friend who spoke last but one, who asserted that the Directors knew all the instructions except those coming under three or four heads, which must be kept secret by the Secret Committee; that was, those which related to peace, to war, to negotiation, to the treatment of the Native Powers; and yet it appeared that they did exercise an opinion and act upon it, if his noble Friend's hypothetical reasoning were true, with respect to the questions of war and peace and negotiations. Why he (Lord Brougham) thought that Scinde was a question of the treatment of Foreign Powers, of peace or war, of negotiation. Again, in Gwalior it was a question of peace or war, and the treatment of Foreign Powers; and yet these were the very things, according to his noble Friend, which the Act of Parliament required to be kept secret from twenty-one of the Directors, and only left to three. But then it was said the Directors were all of them interested to form a fair opinion; and the language held in some parts of the city was, we will trust twenty-four Directors, and suppose that they will be in the right. He (Lord Brougham) had great confidence in the decision of twelve men sitting in judgment under the direction of a Judge, but he had not yet learned that confidence in twenty-four Directors sitting in Leadenhall-street. If they were right, it must be on the ground stated by their advocate, his noble Friend behind him, that they knew all the facts, inasmuch as all the facts were known to the public at large. But if the facts which justified the Directors were known to the public at large without the production of more Papers, what harm was their in bringing on a discussion as to their conduct? Either the whole was known to the Directors, as it was to the public at large, and on that knowledge they had formed their judgment; or it was not known to the Directors, and they had formed their opinion without knowing the whole. One or other alternative must be true. If the whole matters were before the Directors and the public, why could not his noble Friend, or any body else, at once bring the question to an issue by calling on Parliament to decide? He should be told—but then there were Papers withheld. Well, but on the very supposition, they were immaterial to the conduct of the Directors, because we knew and they knew everything about the Governor General, and if these Papers had any thing to do with the questions of peace, war, or negotiation, or treatment of the Native Powers, they could not be known to the Directors at large, but must be confined to the Secret Committee, except a violation of their oath had taken place. But it was objected to, that the opinion of Her Majesty's Government had been expressed with regard to the conduct of the Court of Directors in recalling the Governor General of India, that opinion being one of condemnation of that act of their authority. If such an opinion had not gone out to India, but if it had been stated that the Court of Directors and Her Majesty's Government were unani-

mous upon the subject, and no successor had been appointed, the consequences might have been most disastrous in that part of the world. He (Lord Brougham) could not help observing upon the highly satisfactory appointment of the gallant Officer, his right hon. Friend, about to proceed to the Government of India. But an observation most favourable to Lord Ellenborough arose on this appointment, which the Directors must have seen would be deduced from it. They had unanimously elected Sir Henry Hardinge. Now, how much did this unanimous choice narrow the question between them and his predecessor. They had elected Sir Henry Hardinge for the purpose, he supposed, of throwing discredit on his predecessor's conduct—for the purpose of annulling the acts of his predecessor—for the purpose of pursuing a different course of policy in our Indian dominions—for the purpose of rescinding all that he had done—so gloriously done in point of success; no man denied that—so admirably done in point of ability, no man doubted, even those who thought that he was ill-advised in the foundation of his policy! All this they must be told as to Sir H. Hardinge by the Board of Directors, if they had a broad ground of objection to Lord Ellenborough, that they chose him as a fit and proper instrument for reversing the steps taken by Lord Ellenborough, for flying in the face of his policy, for turning over a new leaf in the administration of Indian affairs, and acting on principles diametrically opposed to those of Lord Ellenborough! If they chose Sir Henry Hardinge for carrying out a policy and principles then just contrary of those on which Lord Ellenborough acted, then it became to him (Lord Brougham) an inexplicable mystery, an insoluble doubt, why they who disapproved of the policy of Lord Ellenborough should choose a man who was, of all others, the most certain to pursue the same course. Why did he say so? Because Sir H. Hardinge, in the first place, was a near connection, the brother-in-law of Lord Ellenborough; because he was, in the next place, the bosom friend of Ellenborough; because, lastly, he was one of Her Majesty's present Government who had joined in expressing their approval of Lord Ellenborough's policy, and their disapprobation of his recall by the Directors. Therefore, it remained for the Court of Directors to explain how it happened that they had recalled Lord Ellenborough on account of the policy he had pursued in India, and yet had chosen to succeed him the person most likely of all men who could be sent to India to carry the same policy into execution. Did not this make it appear very likely that it was not from disapproving his noble Friend Lord Ellenborough's policy as Governor General in any part of the extensive range of subjects it embraced, that he was recalled. Did it not, from this very circumstance seem absolutely certain that some most trifling insignificant personal motives had produced the act which had been styled one of perfect indiscretion, but which was admitted by his noble Friend who spoke last to have been one of perfect honesty of purpose and purity of motive. That was the conclusion which he (Lord Brougham) drew, as a spectator of what had passed, and which every friend of the Governor General must feel extremely gratified at having an opportunity of drawing. He must confess that he attached to this inference great importance, because he verily believed that the fact of the choice of Sir H. Hardinge, related as he was to the Governor General, and connected with Her Majesty's Government, would be the most complete preventive that could possibly be administered in India to the otherwise mischievous consequences which the recall of the Governor General might have had, if that had been presumed to have been made as an absolute disapproval of the policy he had hitherto pursued towards the Native Powers.

The Duke of *Wellington*: The observations of the noble Marquess having turned entirely on the discussion which took place in this House a few evenings ago, I hope your Lordships will allow me to address a few words, though without intending to continue a discussion which has arisen merely on a question. I beg to state in answer to one part of what the noble Marquess stated, that, certainly, there is no intention of proceeding to any alterations in the constitution of the East India Company. I had no such intention on my mind at the time I addressed your Lordships a few nights ago. If the noble Marquess had condescended to recollect any thing so insignificant as the course I have taken in Parliament, not only in this, but in the other House, on all questions which have concerned the East India Company, he must have entirely

acquitted me of being the originator of any measures of that description, to deteriorate the power of the East India Company or the Court of Directors. Your Lordships will recollect that Monday week was not the first occasion on which this subject was mentioned in this House—it had been previously mentioned on the preceding Friday, the 26th, I think. The noble Marquess having then asked a question on the subject, which was answered by my noble Friend (the Earl of Ripon) that answer occasioned a discussion, in which the noble Lord opposite (Lord Brougham) spoke, my noble and learned Friend spoke, and the noble Marquess (the Marquess of Lansdowne), whom I do not see in his place, spoke also; but I did not think it necessary on that occasion to take any part in the discussion. I heard afterwards that the silence which I preserved in the House on that occasion had given rise to an impression that I refrained from presenting myself to the House because I could not say anything in defence of my noble Friend, Lord Ellenborough;—that it had been considered as evidence that I had not a very favourable opinion of the Government of my noble Friend in India, and that I had an opinion that the decision taken by the Directors was a proper one. When I found, what I did not know till Monday, that it was expected of me to answer a question put to me on that day, I considered it my duty to state my opinion on the transaction itself, and I thought the opinion I stated as moderate as possible. As there had been a question as to the power of recall on the preceding Friday, I stated that there was, and there could be no doubt whatever respecting the power of the Court of Directors in that respect, I showed what the power was, and where it was to be found, and I believe I quoted the very Act of Parliament in which it was to be found. I stated at the same time that it was a power which ought to be exercised with discretion, and that I thought it had not been exercised with discretiom upon this occasion, and I stated my reasons for so thinking. That is the full amount of what I stated, and I guarded myself over and over again in stating that it was a power which I thought had not been exercised with discretion: I stated my reasons for thinking so, with no desire to give offence at all: certainly I had no intention to give offence to that body which had exercised the power—the Court of Directors: I certainly thought, as my silence on the former night had been considered as implying a censure on my noble Friend the Governor General, which was far from what I felt; and moreover, when any doubt of that description existed in any quarter, I felt that it was my duty, that it was incumbent on the person who addressed the House for Her Majesty's Government, to protect the public servant who is absent in the performance of his public duties—to protect any one who happens to be serving Her Majesty and the public—and in my opinion in this instance most meritoriously; in my opinion, I say it was my duty to protect him from the great authority which had so far censured him, as to recall him from the performance of the duties of his office. That was my reason for saying what I did. I further said, that it was my opinion that if Parliament thought proper to call for the reasons stated by the Court of Directors for adopting this measure of recalling the noble Lord, those reasons ought to be communicated to Parliament, so far at least as they could be communicated without detriment to the public interests. I believe that is the true principle which ought to regulate the conduct of Parliament and the Government on questions of this description. I said, therefore, that I thought every reason ought to be given which could be given without injury to the public interests. But my noble Friend has stated that they cannot be given to Parliament without injury to their interests, and therefore they cannot be given at present.

The Marquess of *Normanby* explained that he had not meant to impute to the noble Duke any intention of bringing forward any measure detrimental to the powers of the East India Company. Another noble Lord had, however, said that this was an anomalous power, which ought not to remain in the hands of the Directors, and he therefore had wished to point out the danger of placing the whole power in the Board of Control.

The Marquess of *Clanricarde* thought no one who remembered the conduct of the noble Duke throughout his whole Parliamentary career could say, that the noble Duke had not at all times, and upon all occasions, shown himself very favourably inclined towards the East India Company, and a strenuous supporter of its privileges: so much so, that when his noble and

learned Friend (Lord Brougham) shortly before said that he had not so much reliance on the twenty-four Directors, as on another body which he proceeded to describe, he had certainly felt inclined to refer his noble Friend for grounds of confidence in the former to the speeches of Lord Ellenborough, and the noble Duke opposite, who supported Lord Ellenborough's Amendment on the Bill introduced in 1833; the objection taken to which was, that it affected too much the powers of the East India Company and Directors, and gave too much power to the Governor General. That was the nature of the objection entertained by Lord Ellenborough to the Bill introduced by Earl Grey's Government upon which he moved an Amendment, which was supported by the noble Duke. He should not be drawn even by the eulogy pronounced on him by his noble and learned Friend to discuss any parts of Lord Ellenborough's conduct. That was not the proper time for such a discussion. He entirely agreed in what fell from his noble and learned Friend in respect to the appointment which had now been made, so far as it related to the gallant officer who had received it. A better selection could not have been made from among those who were the friends of Her Majesty's Government. But clearly in doing so, he must carefully explain to their Lordships that he could not jump to the conclusion to which his noble and learned Friend had arrived in so rapid a manner; he could not come to the conclusion, that because there was a family relationship, and that there had been a slight official connection between Sir H. Hardinge and Lord Ellenborough, therefore the gallant Officer was appointed to carry out the policy of the noble Lord. It was in the firmest reliance that the gallant Gentleman would, as far as possible, pursue a totally different course in many and most important subjects relating to the Government of India, that he thought his nomination a most judicious selection. But he would not be seduced into saying one word on the conduct of the Governor General, because he thought that too much mention had already been made of the noble Lord's name, on a question relating solely to the production of Papers. They were not then called upon to judge of the conduct of Lord Ellenborough in any way whatever. The state of the case was this—a high official had been recalled, and they wanted to know the grounds on which that censure had been pronounced. A censure had been pronounced by the organ of the Government in that House on the body which had taken upon itself to recall him. Now what Parliament ought to know was, what had been the conduct of the Government, and what had been the conduct of the Directors of the East India Company. Parliament ought to know why it was Government had maintained in power a servant who was distasteful to those who appointed him for a period of seven or eight months, and why they had allowed him to be dismissed in such a manner. It was the conduct of the Government which was under consideration, and not that of Lord Ellenborough. His noble and learned Friend had said, that the Court of Directors generally could not have had sufficient grounds for judging of the conduct of Lord Ellenborough, because they were not aware of his instructions, because all the facts could only be known to the Secret Committee, who were bound by oath not to communicate any secret dispatch to their colleagues; but how, he would ask, could any noble Lord know that it was to one of those particular points any more than to some of those which were not included in the prohibition that the act of the Directors referred. Scinde might seven or eight months ago have fallen under those heads on which the Secret Committee were bound to secrecy, but now it was annexed to the territories of the East India Company, and there were very serious questions which had arisen respecting the occupation and maintenance of that territory, which would not come within the limits of secrecy to which the committee were confined. Then again, look at the conduct observed towards the civil service, the important matters connected with the administration of justice, the question of finance, the supplies, and other matters connected with the late movements of the armies—all these did not come within the limit of the Secret Committee. He was sorry that no hope was held out that the Papers would be produced to Parliament in the course of the present Session. The absence of Lord Ellenborough had nothing to do with the matter. A very "great fact" had taken place. The Government had pronounced their opinion most forcibly, that the Directors had been guilty of a great indiscretion; the Parliament, to whom that statement had been addressed, ought to be made acquainted with the details of the whole subject at the earliest period when it could be made known without injury

to the public service. It would be most unjust to the noble Lord himself if, in a great question like that, any personal matters should be mixed up. Parliament ought to inquire into the conduct of Her Majesty's Government, and that of the Court of Directors. Lord Ellenborough might have been a most judicious Governor General for the purposes of the Government, yet he might have given just grounds of offence to the East India Company through their Directors, whose servant he was, and it might therefore have been most unwise in the Government to retain him so long at the head of affairs in India.

The Marquess of *Normanby* would put another question to the noble Earl the President of the Board of Control, in consequence of the remarks made by his noble and learned Friend relative to the Secret Committee. The noble Earl was aware that it was in the power of the Board of Control, under certain circumstances, to release the Secret Committee from their oath of secrecy, and allow them to communicate Papers to the Court of Directors. He wished to ask whether in point of fact that request had not in this instance been made to the noble Earl, and whether the Papers connected with Scinde and Gwalior had not, by his permission, been communicated to the Court of Directors by the Secret Committee?

The Earl of *Ripon* said, with respect to Scinde, the same Papers communicated to Parliament had been also communicated to the Court of Directors, but none of the instructions that went through the Secret Committee. With respect to Gwalior, the early Papers on that subject now before Parliament, were laid before the Court some time ago, and the Court acting on these Papers, sent down despatches to the Board of Control, which after being considered there, were finally forwarded to India. Other documents of a different nature—instructions proceeding from the Board of Control through the Secret Committee had not been communicated to the Court of Directors.

Lord *Colchester* greatly regretted that the noble Earl the President of the Board of Control had not thought it his duty to lay before Parliament the Correspondence with the Court of Directors, for he felt that while justice was demanded for the Court of Directors of the East India Company—he might with equal reason demand justice for his noble Friend Lord Ellenborough. The East India Company was still *sub judice*, indeed, but his noble Friend had been tried and executed by the Directors. He therefore, thought the noble Lord's Friends had a right to call for the production of the Papers. He did not press for them immediately, but he said, in justice to his noble Friend, that the reasons why he had been dismissed, ought to be made known as soon as possible. It was very well to say, suspend your opinion; but was opinion suspended out of doors? Had not all the organs of public opinion already pronounced their judgment? If the reasons were not to be made known till the next Session, it would be too late to hope for a reversal of the sentence, or to influence opinion. He therefore regretted extremely that the noble Earl had not thought it his duty to produce the Papers. He did not wish to impute any motive to the Directors for what they had done; he dared to say that they supposed they acted for the interests of India, as well as of the Company in what they had done; but still he wished the Papers had been produced, because then we should have known what Lord Ellenborough was not accused of. At present he was accused of every thing—Scinde, Gwalior, finance—every article that could be imagined. He was quite confident that when the Papers were produced a great many misrepresentations would be corrected, and his noble Friend would stand clear of having done anything inconsistent with his public duty to the East India Company and his Sovereign, for whom the Company only held the Government of India in trust.

The Earl of *Winchilsea* felt great regret that Her Majesty's Government had not consented to the production of these Papers. He felt confident that if those Papers were produced, they would clearly vindicate Lord Ellenborough—whose Government in India had been characterised by great talent, and had been attended with most glorious results—from the charges urged against him, and would show that he was fully worthy of the station in which he had been placed. He thought that the noble relatives of Lord Ellenborough must derive great satisfaction from the course which had since bee adopted by the East India Directors, ann which afforded to his (the Earl of Winchilsea's) mind most satisfactory evidence that they regretted the step they had taken in recalling that noble Lord. If

the policy of Lord Ellenborough had been opposed to the views of the East India Company would they have appointed as his successor a Member of the present Government—a Government which had declared their high approval of the course pursued by Lord Ellenborough, and their disapproval of the conduct of the East India Directors, in directing his recall. He required no further evidence to convince him that the Directors deeply regretted the step they had taken.

Lord *Campbell*: My Lords, nothing can be more unfortunate than the course which the Government has pursued respecting this transaction; it has given universal dissatisfaction. It has been condemned by the noble Lord the relative of the late Governor General, and by all his friends, and by those who question the policy which he has pursued while Governor-General. I must say, with all respect for the head of the Government in this House, that the course adopted is very much to be regretted. After the declaration of the noble Lord the President of the Board of Control, I shall by no means press for the production of those Papers. He, as a Minister of the Crown has said, that the production of those Papers is inconsistent with the public service; but it would have been well if Her Majesty's Government had considered whether it would be inconsistent with their duty to produce those Papers before they, by the head of the Government in this House, pronounced that strong sentence of condemnation on the Directors of the East India Company. My Lords, I shall not be deterred by what was said by my noble and learned Friend from expressing my opinion respecting the manner in which the noble Duke condemned the Directors of the East India Company. I prize as highly as any man can do, the services of the noble Duke; I prize, as highly as any man can do, his pure and spotless character; I should not be forgiven by your Lordships, by the country, or by myself, if I were to say anything in the slightest degree disrespectful to the noble Duke; I have never done so in public or in private—but having the honour to be a Member of your Lordships' House, it is a duty which I must exercise to offer my opinion on his conduct as a Member of this House, and on the line of conduct he pursues as the representative of Her Majesty's Government in this House. Now considering that the Directors of the East India Company had only exercised their undoubted right, that they had put in force a power which the Legislature, on due deliberation, had conferred on them, which the noble Duke thought they ought to possess, and of which he would have been the first to condemn a proposal to deprive them, considering that the Directors had unanimously exercised this power, the Members of the Secret Committee, as well as the rest, and expressed an opinion that it was indispensably necessary for the safety of our Indian Empire that Lord Ellenborough should be recalled, it would have been easy for the Government to say, "this is the act of the East India Company; we shall not interfere, it is not our act." Instead of that the noble Duke, in the most emphatic language, denounced the act as the greatest indiscretion he had known to be committed during a long course of acquaintance with public affairs. Suppose an officer in the field was told by his commander that he was guilty of gross indiscretion, would he be satisfied to rest under the imputation? How could the Directors, then, look on it as otherwise than extraordinary, that so grave a charge should be preferred against them, for having exercised the power which the Constitution of the country conferred on them? Such a charge ought never to have been made unless the Government was prepared to make it good. It was hard on the Directors to take such a course; but the House and the country had also an interest in the question. We ought to know whether the affairs of this branch of the Empire are properly conducted: we ought to know whether it was the Governor-General or the Directors that acted improperly. If they had been guilty of "this gross indiscretion," if they had abused their power according to the notion of my noble and learned Friend on the Woolsack, [Lord Brougham, who was sitting on the Woolsack in conversation with the Lord Chancellor] that it would have been fitting the Government should have immediately interfered to deprive them of the power which they have so perverted. Now, suppose the recall of Lord Ellenborough had been made by Her Majesty's Government according to the powers they have, would it have been a fit and becoming thing for the Directors in Leadenhall-street, before a Court of Proprietors, to have come

forward and said, "the Government has been guilty of gross indiscretion; we have received from the Government the reasons on which they have acted; we have received the charges against Lord Ellenborough, showing he was unfit to be continued in his office." We have determined, however, not to disclose them, and we now ask you, the shareholders and proprietors, to take our word for it, the Government has been guilty of gross indiscretion. Now, I will not say,

"Mutato nomine de te fabula narratur;"

but had it happened that these Directors had been Whigs instead of Tories, I believe that they would have been charged with very factious proceedings—they would have been accused of flying in the face of Government, and of trying, from party and political motives, to damage the Government to which they were opposed. But, if it was not fitting that such conduct should be adopted by the Directors, does it not follow inevitably, that the Government must now submit to the charge of having acted most unfairly in having characterized the act of the Company as one of gross indiscretion, and yet having refused to bring forward the reasons which might possibly well justify it? Though I think the Court of Directors have done well in appointing the successor they have done to Lord Ellenborough, I cannot agree with the opinion of the noble Earl (the Earl of Winchelsea), that this shows any contrition on their part. I think the Directors hardly used by the Friends of the Government, by the noble Earl, and my noble and learned Friend on the Woolsack, in being supposed to be clothed in sackcloth and ashes, announcing they "have sinned," and that by way of atonement they have appointed a person approaching in qualifications as nearly as possible him whom they have dismissed. Now, I approve of that appointment, because I believe that Sir H. Hardinge will not exactly follow the footsteps of Lord Ellenborough, and I do not think we shall have any such proclamation from him as that respecting the gates of Somnauth. I must be allowed to form my own opinion as to the conduct of the Court of Directors in this crisis—I think they have been guilty of rather a felicitous indiscretion; and I shall conclude my remarks respecting them in the words of Hamlet—

"Our indiscretion sometimes serves us well
When our deep plots do fail."

The Marquess of *Normauby* said, that he did not exactly collect the answer to his question. He wished to know, whether, in connection with the affairs of Gwalior and Scinde, Papers were not at the request of the Secret Committee, communicated to the Court of Directors, which had not been made public in any other way?

The Earl of *Ripon* could not answer the question positively. He rather thought that as regarded Scinde, no Papers had been communicated to the Court of Directors which had not been laid before the two Houses of Parliament. As to Gwalior, he should say, that all the Papers relating to that subject—whether important or not—those addressed to the Secret Committee as well as subsequent Papers which had arrived in the course of last summer and autumn—were communicated at the request of the Secret Committee to the Court of Directors, and had also been laid upon the Table of the House.

Railways.] Lord *Wharncliffe* having presented a petition on the subject of Railways,

Earl *Fitzwilliam* said, that he would now, invite the attention of their Lordships to a more humble theme, yet one of not less importance to the well-being of the community at large, than that which had lately occupied their attention. He would first ask a question of the noble Earl who sat opposite, and who in this House was the representative of the Board of Trade. He was desirous to ascertain whether Her Majesty's Ministers entertained any objection to the course which he was anxious to recommend to the House to pursue, and he wished to recommend that course very much upon the grounds stated in the petition which had been presented by his noble Friend the President of the Council. He was desirous of ascertaining whether it was the intention of Ministers to agree to the Motion which they might suppose, from the notice he had given the other day, it was his intention to make; or whether circumstances had occurred, here or elsewhere, which should induce them to give a negative to the proposition he should have to make. When he had obtained an answer to that question, he should judge of the validity of the grounds on which they meant to proceed in opposition to the course he was desirous of recommending.

The Earl of *Dalhousie* had no difficulty

whatever in giving an answer, but if he were to give a bare answer to the noble Earl's question without stating the grounds of it, it might be misinterpreted. With the permission of the House he should state the reasons for which the Government did not think it right to accede to the present motion. The ground of their conduct was simply this—that the whole question was now, and had been for some time, under the immediate, careful, and laborious investigation of a Committee of the House of Commons. On one of the earliest days of the Session his right hon. Friend, the President of the Board of Trade, had brought the whole subject of Railroads before the House of Commons. The Committee then appointed was enabled to investigate, not only the rights and privileges of Railroad Companies to be brought under the consideration of Parliament during the present Session, but by an instruction to the Committee subsequent to its appointment, it was made open to them to canvass all the modes that might be adopted for promoting the public advantage on those Railways which already existed. That Committee had conducted its inquiry laboriously and anxiously. It had made three Reports, two having reference to new Railroads, but the third taking a much wider range. He did not know whether this Report had attracted the attention of the noble Earl; but if it had, he must have seen that the whole question had received the deepest consideration of the Committee, and that they had not only suggested great and important alterations in the Railway system, but such as must have an immediate beneficial effect. The whole question, with reference to the third class of carriages (the state of which any of their Lordships who had paid attention to the subject must be aware was a discredit to some Companies, and which, if permitted to continue, would be a still greater discredit to Parliament), had been under their consideration; and they had recommended to the House of Commons to require from all Railway Companies, that there should be, upon every line, at convenient times, and with proper accommodation, carriages with seats, and defended from the weather, for third-class passengers. Some of these Companies compelled third class passengers to travel long journeys without seats, others making them, in a journey which ought not to occupy more than six or seven hours, spend on the distance sixteen or seventeen hours. In order to avoid such evasion as this, it was provided that the whole of the regulations as to this traffic, which were now made compulsory, should be under the strict superintendence of a Government Board. Other provisions were also introduced, having reference to the public service, and although he could not state positively, and could not pledge himself to the point, he had no doubt that in the minor provisions for third-class passengers the privileges would be extended and made compulsory on the Companies already existing. There was a delicacy and difficulty in interfering with Companies which already existed. Granting that the high rate of fares and other circumstances were a hardship, still the powers under which the Companies acted were given by Parliament with their eyes open; and though they might be explained by the fact that Parliament had at the time of passing those Railway Acts but a limited knowledge of the subject, in the main the faith of Parliament was pledged to their observance. He said, therefore, that there was great delicacy and difficulty in interfering, and therefore it was not desirable to introduce any great sweeping measure affecting all these Companies generally, but only in cases such as he had described, viz., that of third-class Railway travelling, in which it was the duty of Parliament to see that proper protection was afforded them. There was another point which the Committee had taken into their consideration, and upon which they had made a Report,—viz., as to granting these powers to the Railways in perpetuity, whereby the public were for ever precluded from any relief from the charge which was now incurred, to whatever amount the profits were thereby swelled. The Committee of the House of Commons had accordingly recommended that it should be a provision in all future Railway Bills that the Company should consent, at the expiration of fifteen years from the period at which the Bill passed, to submit themselves to this alternative—Supposing the dividends amounted to 10 per cent., they should consent to a revision and reduction of their fares, under a guarantee, that while they continued under this compulsory rate, their profits should not sink lower than this rate of 10 per cent. (which was not to be looked upon as an extravagant profit, considering the great risk of such undertakings); or, on the other hand, Government should have the option of purchasing the lines, at the rate of twenty-five years' purchase, on the divisible profits. He had re-

ferred to these two or three points to show that the Committee of the House of Commons now sitting were really going to work earnestly. The other point which the noble Lord had more immediately in view —viz., that of a preliminary examination and inquiry by a Government Board into all lines of Railways—was now before the Committee. He would not now go into the question of the best mode of determining on Railways; but he apprehended that in this country, where there were such a variety of local and individual interests, it would be almost impossible to adopt such a system as that which prevailed in Belgium and in the greater portion of France—viz,, that Government should point out what line should or should not be adopted. The question was, whether they might not leave the matter to the projectors of these schemes, reserving it to Government to pronounce an opinion, and to examine into each scheme. That question was now under the consideration of the Committee. Supposing it were resolved that previous to the examination by a Committee of the House of Commons there should be a reference to the Board of Trade—that the Bill should be submitted, not merely in the form in which Private Bills were now submitted for the purpose of examination, but that the inquiry should extend to such questions as the amount of traffic that might be anticipated, the engineering difficulties, &c. and that a Report should be laid before the Committee of the House of Commons as part and parcel of the evidence on which the Committee was to form its judgment, he apprehended that the object which the noble Earl had in view, would be attained. Under these circumstances, he thought the noble Earl would think it advisable to wait and see what might be the result of these proceedings before he brought on his motion.

Earl *Fitzwilliam* was exceedingly glad that he had adopted the course he had taken—of asking the question before bringing on the Motion, because it had given him an opportunity of doing what he had once done before—of hearing the remarkably clear and lucid manner in which the noble Earl had submitted the details of an intricate subject to their Lordships. The particular point on which he was desirous of having information was that to which the noble Earl had alluded in the latter part of his statement. His desire was to have some authority totally independent of those establishments. He had heard, with the greatest satisfaction, that the Committee which had been appointed by the other House of Parliament were likely to secure additional comforts to the labouring classes in Railway travelling. There was one point, however, to which he hoped their attention would be directed, namely, the unnecessary delay which too often occurred in the progress of some of these lower class carriages. He saw a person the other day, who, having taken his seat in a third-class carriage, travelled a considerable distance, but was suddenly detained by the stoppage of the carriage at Rugby. He told them that he wanted to go a good distance further, notwithstanding which he was obliged to remain a period of three hours before there was a third-class carriage to start. He wished also to draw the attention of that Committee to a case which was at present before the other House of Parliament, and also to one which was in embryo. He alluded to two Bills which had reference to a Railway communication between Leeds and Bradford. One of them was by a proposed rout of only nine miles, and the other was in reference to a line of about thirteen or fourteen miles in length. The long line, it appeared, had complied with all the Standing Orders of Parliament, and was, therefore, now before the Committee on the Bill. The short line had omitted to comply with the Standing Orders of the House, the consequence of which was that the House of Commons did not consider that they were competent to take it into their consideration. It was, he thought, rather hard that the people of Leeds and Bradford should be thus driven either to a postponement of the measure or to the adoption of a much more extravagant line of railway, because, from some accidental omission of a technical nature, the two lines were thus excluded from being brought together in fair comparison. The other case, not at present before the House of Commons, was that of a proposed line of Railway from the north of England to the metropolis. There were three rival propositions on this subject: one was from York, by Lincoln, to Cambridge; the second was one starting from Lincoln, but, instead of going to Cambridge, was to proceed westward by Huntingdon; a third was from near Lincoln, along the old north road. Now, he thought, that in a case of this kind, all persons would agree with him that it would be desirable that some independent authority should be appointed that would deter-

mine which of those lines ought to be adopted, and thereby prevent that unnecessary expense, that squabbling and ill-blood which was too often manifested under the present system. He was desirous that some such authority should be appointed that would collect the opinions of the people in the country before the opinion of Parliament was taken on the matter. This was the most particular point which he had intended to bring forward in the Motion of which he had given notice; but under the circumstance of a Committee having been appointed in the other House of Parliament, he should certainly abstain from making such Motion on the present occasion, inasmuch as he did not think it advisable to ask Her Majesty to issue a Commission which, if appointed, would be likely to clash with the proceedings of the present Committee. It was not impossible, that when they had received the Report of the Committee of the other House, there might still be room for the Motion which he had ventured to recommend. He had been told that it was too late to enter upon this subject now. He was, however, rather inclined to think that the noble Duke's perspicuity and sagacity on these subjects would lead him to be of a different opinion. When they compared the present state of Railway communication with what it was fifteen or twenty years ago, he did not think that it could be considered too late; for within that short period the Railroads for locomotive carriages in this country had been established. There was as yet quite sufficient to be done upon the subject to afford work enough for that sort of a Commission which he had been advocating. He was not at all desirous to establish too severe a competition in Railways. He thought that the proprietors ought to have a large interest for their capital embarked in these speculations. He was, however, of opinion, it was most extravagant to lay down a principle that would prevent any other Railway being established between the north of England and the metropolis than that which had already received the concurrence of Parliament. If a man who had died thirty years ago were to rise from his grave now, how astonished he would be to see the rapidity with which long journeys were performed—to see a man travelling from London to Exeter and back again in one day. But would any man undertake to say, that in the advance which had been made in practical science in the last few years, that in fifty years hence they might not be looking back at the present Railways as the most clumsy instruments for locomotion, in the same way as they now looked back to the old medium of conveyance by navigable canals? It was exceedingly important in the formation of any new Railways that they should have in view what might be hereafter a question for serious consideration—he referred to the exact level which ought to be strictly attended to, so as not to interfere with any transverse communication which it might be hereafter desirable to make. He would not now bring forward the Motion which he had intended to make on the subject.

House adjourned to Thursday.

HOUSE OF COMMONS,

Tuesday, May 7, 1844.

MINUTES.] BILLS. *Public.*—1° Stamp Duties; County Rates, etc.

2° Manchester Bonding; Vinegar and Glass Duties.

Reported.—Factories (No. 2).

3° and passed:—Exchequer Bills (18,407,300*l.*).

PETITIONS PRESENTED. By Mr. Hawes, from John Keyse, against Damage by Fire Metropolis (No. 2) Bill.—By Mr. Brotherton, from National Temperance Society, for Suppression of Drunkenness.—By Mr. F. Tollemache, from Spittlegate, against Exempting Union Workhouses from Parochial Rates.

CAPTAIN DRUMMOND—ALICANTE.] Sir *R. Peel* wished to take an early opportunity of making a statement to the House in reply to some questions which had been put to him by a noble Lord opposite on a former evening. These questions related to the conduct of Captain Drummond, an officer in command of a British vessel of war, the Scout, off Alicante. The statement which appeared in some of the newspapers was to the effect that a Spanish officer, Colonel Bonet, in apprehension of immediate execution, rowed off to the British vessel of war, and was refused admission. Soon after this statement appeared, he had been asked in the House to state whether Her Majesty's Government had given instructions to refuse admission under such circumstances as had then taken place. An answer was then given that no such instructions had been issued; that there was no intention of fettering British officers in the exercise of their discretion on such occasions; and immediately reference was made to Captain Drummond for the purpose of ascertaining whether or not there had been any foundation for the narrative that had appeared. That officer, however, had anti-

cipated the inquiry. Perceiving an observation suggesting that inquiries ought to be made in the House upon the subject, on the 20th of April, he addressed a letter to the Secretary of the Admiralty in these words :—

"Her Majesty's sloop Scout, Gibraltar, April 20th, 1844.—Sir,—I have just read in *Galignani's Messenger*, of the 8th of April, an article taken from the *Chronicle*, containing a most libellous statement against a British vessel of war, at Alicante, during the late disturbances. As it concludes by hoping that the subject will be mentioned in the House in some questions put to Her Majesty's Ministers, I think it right to inform you that I was the officer on that part of the station at the time, and I beg you will make what use you think necessary of the following facts :—On the 23rd of February I arrived at Alicante. Mr. Waring, our consul, immediately came on board : on receiving him in my cabin he stated, that he had brought Colonel Bonet, the Governor of Alicante, on board to me : I replied, that I could see no such person, who was in arms against the established Government, that I was averse to seeing him, or to having any communication whatever with him. Mr. Waring replied, that he feared that my refusal to see him might greatly exasperate him, and that it might endanger the safety of the British residing in Alicante ; upon which I consented to see him upon deck in the presence of the officers of the ship. Bonét then said, through Mr. Waring, that he came to offer me any assistance I might require during my stay at Alicante. I replied, that my sole object in visiting Alicante was for the protection of British property and British subjects. He then quitted the ship with his two attendants, and Mr. Waring, and returned on shore. This was the whole that passed, and he never came alongside this ship again during my stay at Alicante. I left it upon the 5th of March ; the town was entered on the 6th of March. I had a most unpleasant service to perform, but I was quite prepared to act upon my own responsibility, had the unfortunate Bonét pulled off to me in the manner described, and I feel quite certain, that during the disturbances at Alicante I acted in such a manner that I carried out the wishes and intentions of Her Majesty's Government at home.

"I have the honour to be, your obedient servant.

"M. Drummond.

"To the Hon. Sidney Herbert."

Lord *J. Russell* was very glad to hear the explanation which the right hon. Baronet had just afforded to the House.

Recall of Lord Ellenborough.] Mr. *Hume* then rose, pursuant to notice, to move for copies of the Correspondence between the Court of Directors of the East India Company and Her Majesty's Government respecting the recall of Lord Ellenborough, the Governor General of India. The hon. Member said, that believing this subject to be of great importance, he had to claim the indulgence of the House while he explained to them his views of the situation in which they were placed, in consequence of what had recently fallen from one of Her Majesty's Ministers. The House, perhaps, were not altogether aware of the present anomalous situation of the Government of India. They saw an immense Empire, in which upwards of 100,000,000 souls were subjected to the Government of this country by means chiefly of the East India Company, and they saw a very large and important establishment maintained by them in that country, conducted by the Court of Directors, a body appointed by the Proprietors of East India Stock, who now represented those merchants who originally acquired the Empire of India. Perhaps some hon. Members also were not aware how little power had been left to that body by successive acts of legislation. It was, therefore, important that the House should know that there were in this country two authorities governing India with, he should say, paramount power to check proceedings of any Government in that country. By law the Indian executive was charged with important duties for the Government of that country, but subject to the control of the Board of Commissioners for the Management of Affairs in India, who had power in everything connected with India to do what they might think fit. They had no power to interfere with the home establishment, but they had the power of supervising everything that occurred in India. One of the most important duties which devolved on the Court of Directors was the appointment of the Governor General. The law had reserved to them the power to appoint whoever they thought fit to that important office. A doubt had been lately raised in another place, how far it was in the power of the Court to recall the Governor General or any other officer, without the sanction of the Board of Control, but he believed no one connected with India had any doubt of their possession of this power also. It was important, however, to the view which he had taken of the question, that the House

should see that the power reserved to the Court of Directors to recall their officers was actually provided for, and that the very circumstance which had now taken place, had been foreseen and provided for at the time of granting the last Charter. The House probably were not aware, that in 1833, Mr. C. Grant, then President of the Board of Control, proposed to take from the Court the power which they had always had of recalling any of their public officers in India, and that a hint was sent to the Court of Directors upon the subject. That measure, however, was opposed, as might have been expected, and the reasons assigned for opposing such an assumption of power on the part of the Government appeared to him perfectly satisfactory. He would read a part of the dissent of the Court of Directors on this subject to the House. The Chairman and Deputy Chairman, on the 10th of June, 1833, laid before His Majesty's Government these reasons for dissent:—

"Secondly, because we are of opinion that some legislative provision for giving publicity in certain cases of difference between the Board of Commissioners and the Court of Directors is indispensable for maintaining the independence of the Court, and consequently the good Government of India; for, unless it is known that the two co-ordinate authorities act under a positive responsibility to Parliament, the paramount authority may enforce their views and opinions, however contrary to good government or whatever rule, with the impossibility of the Legislature becoming acquainted with the facts, by the Ministers refusing the production of the Papers connected therewith to Parliament. Nothing can more clearly substantiate the truth of this position than what has already taken place with reference to the Papers now before this general Court, and which have been printed at the instance of the Proprietors.

"Signed by C. Marjoribanks, Chairman, and W. Wigram, Deputy."

They alluded to certain Papers which had been then lately produced, relative to proceedings in which the Court of Directors and the Board of Control had differed, and either party had been blamed by their respective friends. This dissent, therefore, made an allusion to the course which ought to be adopted in case of any such difference of opinion as the present taking place between the Government and the Court of Directors. At the same time, Mr. Tucker sent in a protest to the Board of Control, the language of which would bear out the wisdom of the reservation of this power of recall in the Board of Directors. Mr. Tucker said, on the 11th of June, 1833:—

"I am willing to hope that His Majesty's Ministers intend to render the Court a useful and efficient organ of Administration; but, at present, I cannot conceive how that object is to be accomplished while all real power is reserved for the Board. We shall only, I fear, become a screen interposed between the Government and the British people. The Government will not have the direct responsibility which ought to attach to the exercise of power, and we shall have the discredit of measures which we may have disapproved and opposed."

These Papers had the effect, he believed, of inducing the Government at that time to withdraw their proposal to take this power from the Court of Directors, and to allow that Court to retain it. Mr. Grant after this had stated:—

"His Majesty's Ministers agree, first, that the Company shall continue to administer the Government of India for a definite period. Whatever changes Parliament may in its wisdom see fit to adopt will, I doubt not, be made without detriment to the substantial authority of the East India Company. It is possible, that the words in question have been inserted in consequence of the hint thrown out in the memorandum, that the Board should have a veto on the recall of the Governors and Military Commanders in India. In order to obviate misconstruction, I avail myself of this opportunity to inform you that it is not the intention of His Majesty's Ministers to insist on the suggestion just mentioned."

The consequence was that this power which was originally vested in the Company continued to be reserved to the Court of Directors. They now came to that late occasion on which the Court had exercised that power, and as he thought most wisely. That was his individual opinion, without having the Papers before him. But he might be wrong. It was of the utmost importance to the welfare of India that the Court of Directors should stand well in India with their own servants. It was of importance that they should stand well in public opinion; and it was of importance that those who placed confidence in them by nominating them to the important situations which they held, should be satisfied that they were gentlemen fit and qualified to carry on the important duties of insuring good government in India, and on that ground he came forward to ask for information, to enable the public to make up their minds

on the dispute which had taken place between the Government and the East India Company. It could not have been a question of ordinary occurrence which could have induced twenty-three members of the Board of Directors present (the 24th being on a sick bed at the time) to concur unanimously in recalling Lord Ellenborough. The dismissal of that noble Lord could not by any possibility be construed to be a political question. He thought he might venture to say, that eighteen out of the twenty-four Directors, were supporters of Her Majesty's Government. The large majority of them would therefore on every question of politics be disposed to concur with Her Majesty's Ministers, if an imperious sense of duty did not compel them to act otherwise. Believing, then, that there were reasons of the utmost importance warranting the Court of Directors to act as they had done, it behoved that House—nay, it was their bounden duty—to ask for the Papers connected with the disagreement respecting Lord Ellenborough. It was to Parliament that he appealed for this information, and it was by Parliament that the information should be given to the public. He knew of no other mode by which the information could be published. It was quite possible, and very probable, that the Court of Directors would be obliged in defence of their own character, if any opposition should be made to his Motion, to produce the requisite information refused by the Government. Judging from the feeling which had been exhibited by two Directors on a former occasion, and judging from what they had then said, he believed it was the wish of the Directors that the information should be produced to the House, and he came forward to ask the Government to grant that information, in the first instance, as the most convenient and proper course. Why did he ask for that information? Because a most important Minister of the Crown had in another place censured the Court of Directors. That noble Duke (the Duke of Wellington) had passed on the Directors a censure so severe, that he would venture to say, no parallel could be found of any Government having passed any censure equal to it against any individuals so situated. It was, therefore, of the first importance that they should know whether the Government were right in the censure which they had passed, or whether the Court of Directors were right in the conduct which they had adopted, and he knew of no mode by which that could be ascertained so fairly and properly as by having produced before them the correspondence which had led to the recall of Lord Ellenborough. It was no occurrence of a day, or of a week, or of a month—nay, he might say, or of six months, which had led to this result; were it so, he might call this a hasty transaction, and think it not worth inquiry; but they had it from the noble Duke who had passed this censure on the Court of Directors—they had his deliberate statement that no less than six months ago a proposal had been made to recall Lord Ellenborough, and the noble Duke stated elsewhere that the Court had been induced to withhold the exercise of their power, and had passed a Resolution. The noble Duke did not tell them what that Resolution was. He wanted to see it; he wanted to see that manifestation of their opinion, and how far the Court of Directors had been disposed to wave on that occasion what they considered to be the dignity of the East India Company. He wanted to have the terms of that Resolution, in order tobe guided by it, and also to know why, after so many months' patience, they had been induced to alter their opinion. Application had been made to the Court of Directors to withdraw their Resolution respecting the noble Lord, and there must have been on the part of the Directors much obstinacy in resisting that application to induce any Minister of the Crown to make the declaration which the noble Duke had made against the Court of Directors. He would state in a few lines the result of the censure of the noble Duke. He held in his hand what he took to be the most correct Report of what the noble Duke had said. He had looked at, and compared all the public documents, by which they became acquainted with what past elsewhere; they did not differ much from each other, and he believed the Report to which he was about to refer, to be the most correct. In the course of the short speech made by the noble Duke (Lord Ripon not being present), he had charged the Court of Directors six times with "indiscreet conduct," with "gross indiscretion," and concluded his statement with "pronouncing this to be the most indiscreet exercise of power he had ever

known." Was it possible for him to believe that the noble Duke, who had been so long in public life, and who stood so high in public opinion, had been indiscreet enough to make such a statement without foundation? No; he believed that the noble Duke must have had documents before him to warrant the statement. He had also had the experience of several months on this subject, during which the noble Duke had tried the conduct of the Court of Directors, and at last, on their decision being known, he came down to another place, and in that short speech repeatedly accused the Court of Directors of "gross indiscretion." This being the case, and a Minister of the Crown making this charge with all apparent sincerity, and looking at the manner in which India was connected with England, he could imagine no question of more importance to the House, than to have explained and cleared up the cause of this accusation by the production of the Correspondence for which he was about to move. It was not necessary in furthering this object, nor did he wish to make any comments on the conduct of Lord Ellenborough or to refer to a single instance of his Government, except with regard to what the noble Duke had alluded to. The noble Duke spoke of the condition of Scinde distracted and wasted as it was, and of what the noble Duke called "the brilliant successes of the army at Gwalior," and to which he (Mr. Hume) only alluded to say, that he (Mr. Hume) had arrived at a very different conclusion from the noble Duke. He thought that if ever there were a question which required to be sifted to the bottom, and that they should know the grounds on which the noble Duke had made the assertion which he had made, this was that one. The opinions of the noble Duke on this conduct of Lord Ellenborough at Gwalior, was so extremely opposed to his (Mr. Hume's) opinions so far as he was able to speak—[*A Laugh.*] The right hon. Baronet (Sir R. Peel) was perhaps acquainted with the whole matter, and had a right to entertain his own opinion; he supposed the right hon. Baronet would allow him to retain his. Unless he were to be allowed to retain his opinions, and to express them there was an end of all discussion. On these grounds, believing that if an explanation were not given, the character of the Court of Directors must suffer severely and that this would have a prejudicial effect in India, he appealed to the House and called on it to support the Motion which he should submit to it for the production of the correspondence which had passed relative to the recall of Lord Ellenborough. He did not ask for the production of the Correspondence between the Secret Committee and the Board. Some Members of the House might perhaps not know that all the orders transmitted to India through the Board of Control were sent to the Secret Committee of the Board of Directors consisting of the elder Members of the Court. All those orders which were deemed of sufficient importance must go to that Committee and be examined by them. All orders which were of importance and which it was requisite to keep from the other Directors were sent to the Secret Committee. Now, he would admit that there might have passed correspondence between the Secret Committee and the Government which it might be improper to make public; he did not, therefore, ask for that; but he asked for all the correspondence which had passed between the Court of Directors generally and the Government; and he deemed it absolutely necessary that they should obtain that in order to free the Court of Directors from the aspersions cast on them, and the Government from the charge that might be thrown on them of having acted unjustly towards the Directors. If there were any doubt of the propriety of doing justice to such important bodies as the Court of Directors of the East India Company and Her Majesty's Ministers, he would appeal to the authority of the noble Duke himself on the question, because the noble Duke, when asked whether he was prepared to lay any information before the other House on this subject to enable them to judge of the indiscretions of the Court of Directors, said, "He was not prepared that night to state decidedly what papers would be laid on the Table of the House on this subject; but it was a question on which Parliament would be entitled to all the information that could be afforded." He thought the noble Duke had at least made out a case of indiscretion somewhere; before he (Mr. Hume) concurred in the charge of indiscretion, so often repeated, and so strongly enforced by the noble Duke against the Directors he must have what the noble Duke stated Parliament ought

to have, the correspondence produced which had passed on this subject. That was the whole subject of his Motion. He did not wish to enter into the conduct of the noble Lord; but he wished to ask, in justice to both parties—in justice to the British public and to the Indian public, for the production of the Papers for which he was about to move. He did not wish to mix this question up with any other subject, but simply to do that which appeared to him to be absolutely necessary, namely, to bring the conduct of the Board of Control, and of the Board of Directors, in this matter, fairly before the House for the public to be able to form a judgment in the matter. He concluded by moving "That there be laid before this House, Copies of all Correspondence between the Court of Directors of the East India Company and Her Majesty's Government, respecting the recall of Lord Ellenborough, the Governor General of India."

Sir *R. Peel*—Sir, I feel myself bound, in the discharge of my public duty, to offer to the Motion of the hon. Gentleman the most decided opposition in my power. The hon. Gentleman said this House is the authority to which an appeal ought to be made in cases of difference of opinion between the chief authorities through whom India is governed. If this be true, and this House is the proper court of appeal, and is to exercise its judgment on a case of difference of opinion, I am confident this House will not proceed to form its decision, and to pronounce an opinion on a question affecting the character of my noble Friend the Governor General of India, in his absence. The same consideration of justice and equity which induced the right hon. Gentleman opposite (Mr. Macaulay), who had given notice of a Motion of great public importance, relative to recent transactions in Gwalior—I say the same considerations of equity and justice which induced that right hon. Gentleman to postpone that Motion because of the recall of Lord Ellenborough, and because he was reluctant to make any statement against the noble Lord in his absence, will, I am sure, induce this House to postpone its right of sitting in judgment on the conduct of Lord Ellenborough in his absence; and, therefore, even if the hon. Member got the Papers he has moved for, I very much doubt whether any advance would be made towards that enquiry which the hon. Gentleman demands. This, however, is not the ground of my opposition to the motion. The single point which I think ought to be considered in this case is this —what will most conduce to the interests of India and to the maintenance of British power? By that consideration, and by that alone, we ought to be influenced; all personal considerations are entirely subordinate to that one. Sir, I dont, deny the right of the hon. Gentleman to exercise his judgment as to the operations at Gwalior: when I intimated a doubt as to the position he was taking in the course of his observations, my doubt was this, that when the hon. Gentleman said, that "the Duke of Wellington has expressed a favourable opinion as to the operations in Gwalior, I entertain a different opinion. How is it possible to have that difference satisfactorily explained except by the production of Papers on this subject?"—I only meant to intimate a doubt whether that were a sufficient ground for the production of these Papers. No doubt a difference of opinion existed as to the recall of Lord Ellenborough between the chief authorities in this country. No doubt the East India Company have by law the right to recall him—there cannot be a question on that point, or that Her Majesty's Government dissented from the determination taken by the Court of Directors, maintaining that there was nothing in Lord Ellenborough's conduct or proceedings which made such a step either wise or just, and that when Government contrasted the present state of India with the state in which it was when Lord Ellenborough was first appointed to the office of Governor General, if they looked at his conduct and its results, they could discover nothing that had passed which ought to diminish the confidence they placed in him when the appointment was first made, and which could fairly justify his recall. The Court of Directors, exercising the full powers which they possess, took a different view of the case, and they recalled Lord Ellenborough. I was asked when this subject was last under our consideration, whether or not I considered the Executive Government as responsible for the affairs of India after what had passed? My answer was, without reference to the differences which had existed, that the Government would feel it to be their duty to take those measures which appeared to them best calculated to di-

minish any hazard that might arise from the recall of Lord Ellenborough. Sir, the question we had then to determine was, what should be done with respect to the appointment of a new Governor General? We might have taken one or other of two courses. We might have said to the Court of Directors. "As you have relied on the law, and acted on the provisions of the law in recalling the Governor General, act on its provisions also in respect to the appointment of his successor—select the man whom you think qualified to exercise this high trust under possibly increased difficulties, and, as your selection, the Crown will be satisfied with him whether it approves your choice or not." That is one course: we felt it our duty to pursue a different course. We thought it would conduce to the interests of the public service (the Court of Directors being of the same opinion) that we should continue to act in friendly concert in respect of the appointment of a successor to Lord Ellenborough. The Court appealed to the Government to act according to the ordinary usage in respect of the nomination of Lord Ellenborough's successor. I had interviews with the Chairman and Deputy-Chairman of the Court of Directors, and I gave it as my opinion that all considerations connected with past differences should be merged in the deliberation of this question —"What is best to be done in the present state of affairs?" I said, "You have appealed to Her Majesty's Government to assist you in the appointment of a successor: on the part of the Government I am willing to concert with you for that purpose; but I can suggest no one on the part of the Government unless I can have the assurance that he will have the confidence of the Court of Directors, and that it is probable that the line of policy which he will pursue will be approved." I named to the Chairman and Deputy-Chairman the name of my right hon. friend Sir H. Hardinge, and thought upon the whole, in the present condition of India—from a long experience of his public character, from his military eminence and from his great experience in civil duties, that he was the man best qualified to undertake the office of Governor General. I was informed at once by the Chairman and Deputy-Chairman that the same name had occurred to them, and I was assured that no person could be sent out to India as Governor who would be more consonant to their wishes and they wished that I would undertake to propose the duty to my right hon. Friend. I did propose it to him, informing him at the same time that he commanded the confidence of the Crown and of the Court of Directors, and urged him to permit no private considerations to deter him from undertaking this great responsibility. My right hon. Friend did not hesitate; he at once accepted the trust; but my firm belief is, that he accepted it from the highest and the purest considerations of public utility, and not from motives of private ambition. Then there is with respect to the selection of a new Governor General between the Crown and the Court of Directors a cordial understanding; and I have every reason to believe that the general policy will be one which will meet with the general sanction, concurrence, and support of the Directors. My right hon. Friend will proceed at once by the next packet to undertake his new duties, and no considerations on earth shall induce me to fetter his administration of affairs by sending out by the same packet a detailed correspondence showing the exact nature of the differences which have prevailed. I have no hesitation in saying that nothing could be more calculated to add to the excitement which probably may exist, than to send forth to India, liable to all those misconstructions that probably will be avoided here, the exact record of the differences which have prevailed, and which, I believe, will not affect the future administration of India. I call on the House not to send out with a new Governor the decisive proof of the Home Authorities having held different opinions. I do hope the House of Commons will not, after that explanation, call on the Crown to produce these Papers. I see present here Members of the Court of Directors, and I ask them whether or not they concur with me that public evil might result from such publication. The hon. Gentleman says, that two of the Directors call for the production of the correspondence. [Mr. *Hume*: They say they have no objection.] This I am sure of, no personal considerations of any kind will influence them if they believe it for the interest of the British Government, and for the welfare of India, that the Correspondence should be produced. The hon. Gentleman said several times that my noble Friend charged the Directors with indiscretion. I never heard the hon.

Member make a speech in my life without making such a charge against the Government. But whether my noble Friend, the Duke of Wellington, did use that phrase or not, is a question subordinate to the great question whether it be for the public interest that that Correspondence should be produced. I shall offer to the Motion the most decided opposition, and I hope that the House will not call for the production of these Papers.

Mr. *Astell* would, under any circumstances, have offered only a few observations on this Motion. When he had last addressed the House, he had asked the House and the country to suspend their judgment, but he had given no opinion as to whether the Papers should be produced or not. He was decidedly of opinion, and he believed his Colleagues were also, that in the publication of those Papers they should be ruled by the determination of the Government. The Court had been accused of indiscretion, and they would not add to that indiscretion by giving publicity to the Correspondence. He repeated again, that it would be an act of indiscretion to publish what, in his honest conscience, he believed, would be injurious to the public interests. The Court of Directors had acted from public duty, and from public duty alone, and if there were any who meant to accuse the Court of Directors, and would bring forward the charge, he was there to defend them. The great interests of British India were confided to them; they were above all personal considerations; their object was accomplished by the removal of Lord Ellenborough from India. That object they had been endeavouring to accomplish, as they had been told, not for a day or a week; that object they had in view, and that they had accomplished. They had no desire to do anything more; they did not wish to do anything to affect the feelings of the Governor-General, and had only wished the House to believe that they had acted honestly and justly, and from the best intentions. At the same time, he was of opinion that the publication of the Correspondence would be injurious; and whatever his hon. Friend (Mr. Hume) might say, he could not give him his support upon the present occasion.

Mr. *Hogg* had stated distinctly what was his own feeling, and what was the general opinion of his Colleagues—that it would be fit and proper to leave the Ministers to exercise their discretion; and he had added his conviction, that in the exercise of that discretion, they would be influenced solely by a sense of what was most conducive to the public interests. That was his individual opinion, and almost the unanimous opinion of his Colleagues. The right hon. Baronet had stated that Lord Ellenborough continued to possess the confidence of the Government. It was essentially necessary for the interests of India that the person ruling should possess the joint confidence of the Ministers of the Crown and of the Court of Directors. Without that joint confidence the rule of no man could be conducive to the public good in India, and for that reason it was, that the power of recall was vested in the Government and in the Court of Directors severally. It did not become him to say more than that the Court of Directors had exercised the power of recall under an imperious sense of public duty, and had come to that resolution most reluctantly and with great pain. He had only to add, if the Court of Directors were to remain subject to the imputation of having acted indiscreetly, he would rather remain subject to the charge individually, than seek for the production of Papers to avoid it, if he thought it might be detrimental to the public interests. The Directors had been influenced solely by a regard for the public good, and they would stand ill before the public if they permitted themselves to be influenced by any personal considerations, or by any considerations but those which would be conducive to the future interests of India. He was bound to state his opinion that the production of the Correspondence sought for by this Motion would be most injurious, if not dangerous, to India.

Mr. *Macaulay:* Sir, one argument, and one only, have I heard since this debate commenced, to show, that at the present time it is not desirable that the hon. Member should press his Motion. I admit that there would be some injustice to the noble Lord whose conduct is so deeply implicated in this inquiry, if, while he is at a distance from this country, he were to have charges brought against him. The same feeling which led me a few days ago to postpone a Motion which I cannot but think it is my duty hereafter to bring before the House, will lead me to advise the hon. Gentleman to put off for the present the proposition which he has made; but I

must say I have heard no argument whatever tending to convince me that on a future occasion, when the Governor General shall have returned, this Motion should not be made. It seems to me, that if ever there was a case made out in which Parliament had a right to call for information, it is this case. How stands the matter? We are absolutely certain of one thing,—that in an important department of the Government there has been gross misconduct. Where that misconduct lies we are not absolutely certain, but that there has been misconduct we are certain. The Government declares, by an organ of the highest authority, that a great corporation intrusted with the highest functions has been guilty not of indiscretion only, as stated by the hon. Member for Montrose, but of the greatest indiscretion known in the history of our times, of an exercise of power compared with which the sending forth of the Walcheren expedition was trifling—compared with which the Bill proposing Pains and Penalties against the Queen was a slight indiscretion—an exercise of power to which nothing that has taken place in our times can be compared for recklessness and rashness. That is a charge, Sir, which ought not to be made unless those who make it are prepared to substantiate it. I take either side. Suppose, either that the East India Directors have proved themselves unfit by an act of the greatest rashness and indiscretion for the high confidence which we have reposed in them—is not that a thing of which Parliament should be cognisant? Or suppose, on the other hand, that the Government is charged by the Court of Directors, in the exercise of its power, with being moved by party spirit to throw upon the Directors aspersions tending to excite the public mind of this country, and calculated to spread panic throughout the whole Indian empire—is not that a thing of which this House should take cognisance? I say, while I assent to the force of what the right hon. Baronet has observed, while upon the same principle that I put off my Motion with regard to Gwalior, I consent to put off for the present demanding those Papers, that when Lord Ellenborough shall have returned to this country from India, and this House shall take his conduct into consideration, those Papers must be granted unless this House means to abdicate all control over the Government, and unless Ministerial responsibility is to become merely a name. I must give to the right hon. Baronet, as I always have occasion to do, the utmost credit for the extraordinary dexterity and skill with which he has managed this subject, flying away as fast as possible from the past to the future, leaving out what has occurred, and holding out expectations, which I do believe will be fulfilled, of the administration now opening. I shall not, however, as I before said, go into the question of any particular act of Lord Ellenborough's, but I desire the House, since we are to be left in this state of doubt for some months to come—as every attempt has been made to excite the utmost prejudice against the Court of Directors—as every species of imputation has been thrown upon them—as, not Ministers, but those connected with them, have held out to the Directors a menace, that that power which those connected with Ministers represent as having been abused, ought forthwith to be taken away from them—as that power has beeen described as being, not only what it is, "anomalous," but as what it is not, "absurd," and as what it is not, "pernicious,"—I feel it my duty, if none of those more immediately connected with the Company stand up for a present settlement of the Government of India, and of the Charter, and as one of those concerned in bringing forward the present system of Government, I do undertake to say, that that power is a good power—that it is a power which they ought to retain, and that it is a power which shall not be taken away from them without a long and an obstinate struggle. But with regard to the exercise of that power in this particular case, since we are not to have laid before us any Papers which may guide our judgment, I will very concisely state one or two circumstances which I think ought to lead us at all events not to pronounce against the Court of Directors until those Papers shall be before us; and in what I am about to say I shall strictly confine myself to the limits which justice imposes on me. I will not touch upon any single act of Lord Ellenborough's, but I will treat the question purely as it lies before us upon the proceedings of the Court, and upon the proceedings of the Government I see that the Court has been unanimous. I know how it is composed. I know that in that Court there is to be found a great number of men eminently qualified to judge of Indian politics. I know that there is to be found in that Court one Gentleman, for example, who himself acted as Governor General of India

for some time. I know that there are persons to be found there of the highest distinction, whether in war or diplomacy, or any other branch of the public service. I believe most firmly, and I believe that no person who is acquainted with India will dispute what I am about to say, that at least there are ten Gentlemen in that Court the least informed of whom is better acquainted with, and is better informed upon India, than (I say it without any disrespect to them) the whole of the Treasury Bench opposite. Those Gentlemen are unanimous; and can it be said, that they are not informed upon the subject on which they sat in judgment? It has been said—it has been ignorantly said—that they see nothing of the orders which go out to India,—that they are mere organs of conveyance. The fact is not so. The notion that all the Papers that go out go from the Secret Department is not correct. Papers of grave importance and secrecy, relating to matters of peace and war, do issue from the Secret Department; but all Papers relating to the judicial, financial, and revenue departments, and the great bulk of the diplomatic Papers, pass through the hands of the Court of Directors; and I will venture to say,—either the Board of Control or the Court of Directors can contradict me if I mistake,—that there is not one paper in 200 goes to India which does not pass under the survey of the Court of Directors. The few papers that issue from the Secret Department pass under the eyes of three of the Directors, and we know that the Directors were unanimous. One word more. When we have such unanimity amongst men so thoroughly informed upon Indian policy generally — amongst men who have such opportunities of judging of Lord Ellenborough's conduct, there is only one thing which I can conceive likely to have perverted their judgment—they might have been misled by violent party spirit. I could understand, if the Court of Directors were composed of Whigs entirely, or of Gentlemen opposed to the present Administration, that they might, spite of all their knowledge, have decided for Lord Ellenborough's recall unjustly. Is it so, however? Is it not notorious, that those Gentlemen are, with scarce an exception, attached to the present Government? Have not we heard two of those very Gentlemen rising this evening to support the Government? Did we not constantly hear them doing so in the debate on the gates of Somnauth? And I may mention the name of one Gentleman not in this House, a name great in Indian history—a name great in the annals of Indian policy—the name of a man of eminent qualifications and abilities—I mean Sir Richard Jenkins, who is a person notoriously attached to the present Government; and when I put all these things together—when I see the unanimity that existed—when I consider the knowledge that those Gentlemen possess—when I consider the opportunities they have of making themselves acquainted with the Governor General's mode of administration,— and more than all, when I consider that their feelings in favour of the existing Government are such, that it is only for a moment, and then with the greatest reluctance and after months of hesitation, that they just venture to strike one necessary blow and then start back, how is it possible for me not to feel in this case, since we are for six months to suspend our judgment, that we should do so with no bias whatever hostile to the decision of the Court of Directors? If the right hon. Baronet had given us an assurance that next Session, when the conduct of the late Governor General will come under the consideration of the House, he will make no objection to the production of the Papers, he would have removed some doubts; but if the Government be determined at the beginning of the next Session, when Lord Ellenborough may be in this country, to refuse the Papers, my firm conviction will be, that they refuse them only because they dare not give them.

Mr. *Mangles*: In the course he should take upon this question he disclaimed being actuated by any party motives. India should not be governed with reference to the politics of the party prevailing at the time in this country, but with reference solely to its own interests. He would never consent to look at India through a party medium. He believed, without reference to the considerations urged by his right hon. Friend, the Member for Edinburgh, with regard to the absence of Lord Ellenborough, that the production of these Papers at this moment, when, as the right hon. Baronet opposite justly said, they could go out to India in the same vessel that would convey the right hon. Gentleman (Sir H. Hardinge) to that country, would be injurious to the best interests of India. If he did not express that opinion he should be inconsistent with himself, for upon a former

occasion he reprehended in the strongest terms he could command the proclamation issued by, he was happy to say, the now "late" Governor-General in October, 1842. He then seriously blamed Lord Ellenborough for having for the first time, as he (Mr. Mangles) thought, at least, mixed up English party politics with the affairs of India. If he now took part in the production of the Papers asked for, he believed he should be taking the course which he had previously deprecated upon the part of the noble Lord. He (Mr. Mangles) did not wish to confine himself with regard to the future. He agreed with his right hon. Friend that the time might come when the mischief arising from the production of these Papers might be obviated; and he believed it might be right and necessary, when the noble Lord returned from India that these Papers should be produced. He wished to reserve to himself the free right of exercising an opinion then, and not to be bound by the opinion he expressed now, that the production of the Papers at this time would be injurious to India.

Lord *J. Russell:* I think it necessary, in consequence of the interest which this matter has excited, to say a very few words upon it. I agree entirely with what was so ably stated by my right hon. Friend, the Member for Edinburgh, that it would not be advisable to press for these Papers at the present moment. I think that some time hence, when the noble Lord has returned to this country, when the interest will not be so exciting as it is at present, the Papers may be produced without inconvenience to the public service. After the statement of the right hon. Gentleman, I trust that my hon. Friend, the Member for Montrose, will not press at present for the production of the Papers. I cannot but think, however, that it was advisable that some notice should be taken of what has been done. If the Court of Directors and the Government had concurred in the recall of Lord Ellenborough it might have been well not to have said a word upon the subject; but everybody must be aware that it has gone forth that the Directors have committed a gross act of indiscretion, that it has been stated that they have repented of that act of indiscretion, and that they are willing to atone for it, and that their subsequent conduct has shown their conviction that they were wrong. Now, I was happy to hear two Directors state that what they had done was upon public grounds, and that they were fully convinced of the necessity and justice of the step they had taken. I, for my part, as far as my opinion goes, am fully satisfied that it will be a great blessing to India to remove the Governor-General of that country.

Mr. *Hume* in reply, said, he had never asked the House to form any opinion of the conduct of the noble Lord who was now removed from the Governor Generalship of India. Quite the contrary. He said that the question lay between the Board of Control and the Court of Directors—that the Court of Directors had been censured as unworthy of the situation in which they were placed and of exercising the power reposed in them. Such were the opinions of the noble Duke in the other House, publicly expressed. It was quite true as the right hon. Baronet had stated, that the Government and the Court of Directors concurred in choosing Sir H. Hardinge to succeed the noble Lord, and he believed that the right hon. and gallant Gentleman would make a good Governor General; but that was no answer to the question whether the Court of Directors had acted properly or improperly in the recall of Lord Ellenborough; and he therefore did say that the House would stultify itself if it refused to order the Papers for which he had moved, and he was certainly surprised that his right hon. Friend the Member for Edinburgh, who went further than he, who in every sentence he spoke, and in every syllable he uttered, condemned the conduct of Her Majesty's Government, should all at once turn round and say it was better not to have the Papers. If the noble Lord who had just sat down expected to hear any more of these Papers, if he did not get them now, he was very much mistaken. The Court of Directors at present remained censured. When the hon. and learned Member for Beverley stated, that should the Papers be produced they would show the conduct of the Court of Directors in a proper light, he thought the hon. Member was very fair and candid; but he turned round too, and actually, though one of those who had been abused and censured, was willing to sit down with the rest, liked cowed dogs well thrashed, with their tails between their legs. He wanted nothing to do with Lord Ellenborough on the present occasion, but he hoped that the noble Lord's time would

come, at present it was between the Board of Control and the Court of Directors. It appeared to him that those who asked him not to divide the House only strengthened the necessity for the production of the Papers by their own statements. His right hon. Friend the Member for Edinburgh said, if ever there was a case of which the House of Commons should have full cognizance, this was the case, and yet he would not support the motion for the production of the Papers, which formed the only means of obtaining light upon the subject. He certainly must divide the House.

Mr. *Roebuck*: I only meant to make one observation. Lord Ellenborough has been recalled from India, his successor has been appointed. I am most anxious to know, whether Her Majesty's Government sanction in that way the past conduct of Lord Ellenborough, viz., by giving for a guide of future Government the policy which directed Lord Ellenborough's? I am anxious to know, whether or not the Court of Directors, who removed Lord Ellenborough, removed him for his public or private conduct? I want to know, whether or not there has been a compromise, or an agreement between the Government and the Court of Directors; that they having removed Lord Ellenborough from some private pique or peculiar personal feeling, will allow his successor to govern the country after the policy of his predecessor. That is all that concerns the House of Commons. We want to know the principles upon which Sir H. Hardinge goes out to govern India. Are they the principles which directed the Government of Lord Ellenborough? I say, Sir, however we may get out of the inquiry of the hon. Member for Montrose, that this is a question which it is incumbent upon the government of Her Majesty to answer. We want to know the principles upon which Sir H. Hardinge goes out to govern India? We want to know whether his principles of government are to be those which directed the policy of Lord Ellenborough? We want to know whether those which the Duke of Wellington sanctions by his authority are to be continued, and whether the indiscretion of the Court of Directors is got over by the happy policy of the right hon. Baronet?

Sir *R. Peel*: I don't know whether these questions are intended to be put to me. I say there has been no sort of compromise or agreement between the Court of Directors and Her Majesty's Government. I have stated to the House what passed between me and the Court of Directors. No word passed about a compromise. I informed the Court (my noble Friend the Earl of Ripon being unwell at the time), that I would not undertake to suggest a Governor General unless I was certain that he would be approved of by the Court, and was likely to possess their entire confidence and support. I then named Sir H. Hardinge; they told me that was a name which they should prefer to any other, and so Sir H. Hardinge was appointed. My belief is, that as regards the principles which will govern his conduct, Sir H. Hardinge will decide for himself, and that they will be the principles of justice and moderation I have every confidence.

The House divided—Ayes 21: Noes 197; Majority 176.

List of the AYES.

Aglionby, H. A.	O'Connell, M.
Brotherton, J.	Oswald, J.
Browne, hon. W.	Pendarves, E. W. W.
Clive, E. B.	Philips, M.
Colebrooke, Sir T. E.	Plumridge, Capt.
Crawford, W. S.	Roebuck, J. A.
Dalrymple, Capt.	Seale, Sir J. H.
Denison, W. J.	Strickland, Sir G.
Dundas, Adm.	Thornely, T.
Easthope, Sir J.	TELLERS.
Elphinstone, H.	Hume, J.
Marjoribanks, S.	Collett, J.

List of the NOES.

Ackers, J.	Boldero, H. G.
Ackland, Sir T. D.	Borthwick, P.
Adare, Visct.	Boyd, J.
Adderley, C. B.	Bramston, T. W.
Allix, J. P.	Briscoe, M.
Antrobus, E.	Broadley, H.
Arbuthnott, hon. H.	Broadwood, H.
Archdall, Capt. M.	Brooke, Sir A. B.
Arkwright, G.	Bruce, Lord E.
Astell, W.	Buckley, E.
Bagge, W.	Buller, C.
Baillie, H. J.	Bunbury, T.
Baldwin, B.	Busfeild, W.
Bankes, G.	Butler, hon. Col.
Baring, hon. W. B.	Campbell, J. H.
Baring, rt. hon. F. T.	Cardwell, E.
Baring, T.	Chetwode, Sir J.
Barnard, E. G.	Cholmondeley, hn. H.
Barrington, Visct.	Christie, W. D.
Barron, Sir H. W.	Chute, W. L. W.
Baskerville, T. B. M.	Clive, hon. R. H.
Beckett, W.	Cochrane, A.
Bernal, R.	Codrington, Sir W.
Bodkin, W. H.	Collett, W. R.

Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Davies, D. A. S.
Dick, Q.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duncombe, hon. O.
Egerton, Sir P.
Eliot, Lord
Escott, B.
Feilden, W.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Forman, T. S.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, Capt.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Greene, T.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grimsditch, T.
Hale, R. B.
Hamilton, J. H.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. E. A. J.
Hawes, B.
Hayes, Sir E.
Heathcote, Sir W.
Hepburn, Sir T. B.
Herbert, hon. S.
Hervey, Lord A.
Hobhouse, rt. hn. Sir J.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hughes, W. B.
Hussey, T.
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jones, Capt.
Kemble H.
Knatchbull, rt. hn. Sir E.
Langston, J. H.
Law, hn. C. E.
Lawson, A.
Lefroy, A.
Liddell, hon. H. T.
Lockhart, W.
Lowther, hon. Col.
McGeachy, F. A.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Macnamara, Major
McNeill, D.
M'Taggart, Sir J.
Maher, N.
Mainwaring, T.
Mangles, R. D.
Manners, Lord J.
Marsham, Visct.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Mildmay, H. Sir J.
Miles, W.
Mitcalfe, H.
Morgan, O.
Morris, D.
Muntz, G. F.
Murray, A.
Neeld, J.
Newdegate, C. N.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Northland, Visct.
O'Brien, A. S.
Oswald, A.
Packe, C. W.
Paget, Col.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Polhill, F.
Praed, W. T.
Price, R.
Reid, Sir J. R.
Repton. G. W. J.
Richards, R.
Round, J.
Rumbold, C. E.
Russell, Lord J.
Russell, J. D. W.
Sanderson, R.
Seymour, Lord
Shaw, rt. hn. F.
Sibthorpe, Col.
Smythe, hon. G.
Somerset, Lord G.
Stanton, W. H.
Stewart, J.
Sutton, hn. H. M.
Taylor, E.
Tennent, J. E.
Thornhill, G.
Tollemache, J.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Tyrell, Sir J. T.
Verner, Col.
Vesey, hon. T.
Vivian, J. H.
Vivian, J. E.
Vivian, hon. Capt.
Wall, C. B.
Ward, H. G.
Wellesley, Lord C.
Wodehouse, E.
Wortley, hn. J. S.
Wortley, hn. J. S.
Wrightson, W. B.
Wyndham, Col. C.
Wynn, rt. hn. C. W. W.
Yorke, hn. E. T.
Yorke, H. R.
Young, J.

TELLERS.

Fremantle, Sir T.
Clerk, G.

LAWS OF MORTMAIN.] Lord *John Manners* said, that last year, when he brought the subject matter of his Motion under the attention of the House, he was opposed by his right hon. Friend the Secretary for the Home Department, on the ground that he proposed a declaratory Resolution; in consequence of this, he now intended to propose that a Select Committee should be appointed to inquire into the operation of the Laws of Mortmain. He believed that a Select Committee was granted whenever a *prima facie* case was made out for inquiry, and he was satisfied that nothing could be a better subject of inquiry than these laws which had a most injurious effect on the interests of the Church and the poor. These laws were originally framed to guard against evils which existed at the time they were enacted, but which no longer obtained in this country. Although these laws continued in the Statute-book, the course of modern Legislation abrogated them, although they occasionally were found to operate most objectionably. For instance, a recent case occurred at Stockport, where a Gentleman bequeathed an estate of 500*l.* a year to the infirmary in that town; but in consequence of the bequest being in landed property, it failed under the operation of the Mortmain Laws. Again, a recent case occurred in a parish of Somersetshire, where an old Gentleman, for two or three years previously to his death, had told the poor of his parish that he intended to do something for them: on his death it was found that he had bequeathed a house and a piece of land, of the value of 120*l.* a year, to the clergyman of the parish for the time being, on trust, and directing that the proceeds of this small property should be distributed periodically amongst the poor of his parish; but the bequest failed in consequence of the operation of these Laws. He did not think that he was asking too much when he requested the House to look into these Laws. He did not ask it at once to repeal or modify them, but

merely to appoint a Committee to inquire into the subject, before which he could produce witnesses. If the House refused to grant the Committee, he should suppose that it arose from the circumstance that it either considered the laws to be so good and beneficial, or, which was more probable, that it considered these laws to be so full of absurdity that they would not bear investigation. The noble Lord concluded with moving for a "Select Committee, to inquire into the operation of the laws of Mortmain, and the expediency of revising the same."

Sir *James Graham* said, that he thought it his duty to oppose the Resolution of the noble Lord last year, but he had no objection to agree to appoint a Select Committee to inquire into the effect of these laws. He would not express any opinion on them, but he thought that this great question of their policy was a proper subject of debate in the House.

Motion agreed to.

FACTORIES BILL.] Sir *J. Graham*, on moving the Order of the Day for bringing up the Report on the Factories Bill, said, that he should move the Third Reading of it on Friday, when the noble Lord the Member for Dorsetshire would propose his amendment. He wished, also, to give notice that he should on that day move, that the Poor Law Amendment Bill be committed *pro forma* for the purpose of introducing a number of amendments, and he should afterwards move that it be reprinted.

On the Order of the Day being read,

Sir *J. Graham* took the opportunity of stating the alterations which had been introduced into this Bill in going through Committee.

Dr. *Bowring* wished to know whether there would be any objection to print the Bill, with the alterations and amendments which had been introduced into it.

Sir *J. Graham* would not object, provided that he should be able to proceed with the third reading of the Bill on Friday.

Report agreed to. Bill to be read a third time on Friday.

House adjourned at half-past eight.

HOUSE OF LORDS,

Thursday, May 9, 1844.

MINUTES.] BILLS. *Public.*—2ª Exchequer Bills; Bailiffs of Inferior Courts; Night Poaching Prevention; Necton Tithes (Bishop of Norwich's).

3ª and passed:—Dissenters Chapels; Forestalling, etc, Offences Abolition; Limitation of Actions Act Amendment.

Private.—1ª Maryport and Carlisle Railway; Leeds and Bradford Railway; Leeds New Gas; Liverpool Fire Prevention; Wells Lighting and Improvement; Globe Insurance Company; Haltwhistle Inclosure.

Reported. — Blythswood Estate (Campbell's); Furness Railway; York and Scarborough Railway; Pontop and South Shields Railway; Newcastle and Darlington Junction Railway and Tyne Bridge; Leeds and Selby Railway; Northern Coal Mining Company; New British Iron Company,

3ª and passed:—Edward's Estate; Hartlepool West Harbour and Docks; South Eastern, Canterbury, Ramsgate, and Margate Railway.

PETITIONS PRESENTED. By Lords Campbell, and Cottenham, from Newbury, and 3 other places, in favour, and by the Earl of Mountcashell, and Lord Campbell, from Donaghmore, and several other places, against the Dissenters Chapels Bill. — By Lord Cottenham, from Banbury, for the Better Recovery of Small Debts.—By the Duke of Richmond, and Lord Redesdale, from Gloucester, and several other places, for Protection to Agriculture. — By the Duke of Richmond, from Lochcarron, against, and from Aberdeen, for the Repeal of the Laws relating to Scotch Universities.—By Lord Kenyon, from Newmarket, and 5 other places, against the Union of St. Asaph and Bangor. — By the Marquess of Normanby, from Hilltown, and other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland. — By the Marquess of Londonderry, from Coal Merchants of London, against any Additional Duty on Coals.

THE COAL TRADE.] The Marquess of *Londonderry* presented a petition from the Coal Factors, Merchants, and others of the City of London, most numerously and respectably signed, praying their Lordships not to allow any Bill to pass their Lordships' House having for its object the imposition of an additional tax on Coals for the improvement of the metropolis. He hoped that Her Majesty's Government would listen seriously to the strong remonstrances and representations that had been made as to the injustice and impolicy of such a measure by various parties. The tax that had been some time since laid on the exportation of Coals had greatly injured the Coal Trade, while it was by no means beneficial to the Revenue. From what fell from the right hon. Baronet (Sir R. Peel) when that tax was proposed, it was clear that he did not himself greatly approve of it. Indeed, he stated, that it was a tax which he could not defend, and which could only be justified by the necessity arising from a great deficiency of Revenue. The Coal Business in the north was in a very bad state at present. The men in all those collieries, between 20,000 and 30,000, had been for the last six weeks entirely without labour or employment.

What was the consequence? Why, that the whole district was in a state of distress and misery. The wives and children of these men were going from house to house, endeavouring to subsist on charity. He hoped that Her Majesty's Ministers would be induced to relieve the Coal Trade from the export duty.

Lord *Wharncliffe* said, that when the question was asked on a former night, whether it was the intention of Government to propose an additional tax on Coals for the purpose of defraying the expence of certain projected improvements in the metropolis, his answer was that nothing had been decided on the subject, but his own individual impression was, that no such additional tax would be proposed. With respect to the tax on the exportation of Coal, his noble Friend knew that he also was interested in the subject, though not to such an extent as his noble Friend. On that question they had the declaration of the right hon. Baronet, and he could not go beyond that.

Earl *Fitzwilliam* said, the tax on the exportation of Coals from the Tyne and Weir scarcely yielded a shilling to the Treasury, while it was extremely injurious to the trade. There was a tax on every ton of Coal exported, but those of their Lordships who were acquainted with the working of collieries knew that it was not the same description of Coal as that sent to London and other ports of England; it was, in fact, an inferior species of Coal—it was a sort of Coal which, if not exported, actually became waste and blocked up the ground in the neighbourhood of the pits, and the exportation was prevented by the duty which had been imposed.

Petition laid on the Table.

DISSENTERS CHAPELS BILL.] On the Order of the Day for the third reading of the Dissenters Chapels Bill being moved,

The Bishop of *Exeter* said, he wished to ask the noble and learned Lord on the Woolsack what was to be understood by the words "usage of the congregation" which had been mentioned in reference to this Bill?

The *Lord Chancellor* replied, that he meant by the term, "usage of the congregation," doctrines which had been preached before that congregation, or in that chapel for a series of years—doctrines which had been inculcated in that chapel for a certain series of years, mentioned in the Bill.

The Bishop of *Exeter* was glad he had heard that definition, but he should have thought what would be considered the usage of the congregation would have been the habit of the congregation, and not of the preacher. He would, however, take the words as they stood. He now wished to state to their Lordships a case which would be one of peculiar hardship under the Bill. It was that of a very old Presbyterian meeting-house in the city of Cork, and the authority for the statement he was about to make was Dr. Neligan, a clergyman of the Church of England, who took, it must be frankly admitted, an interest in this question. That rev. gentleman informed him that whatever might be the case in the south of Ireland, the Trinitarian Protestant Dissenters had, in common with the Church, a feeling of reverence for the Protestant institutions of the country. This gentleman also stated that the Unitarians in the South of Ireland—he did not speak of the North—were, generally speaking, most hostile to the Church, that they went the greatest possible lengths in opposition to it, and that they were at this moment amongst the most infuriated of the agitators for Repeal. So much he had been informed upon most respectable authority. The rev. gentleman though a minister of the Church had not gone out of his way to give this information, but he stated facts relative to the City of Cork, which were of great importance. It happened that in Cork there was an ancient Chapel, built so long ago as 1715, the congregation having been formed many years earlier than that. Their Lordships were, perhaps, not aware, that in Ireland there was no Toleration Act for nearly thirty years after that Act had been passed for this country. In 1719, a Toleration Act did pass for that country, but that Act like our own, excluded all who denied the doctrine of the Trinity from participation in its benefits. This congregation of Presbyterians, being strict Trinitarians, and holding the doctrine of the Catechism of the General Assembly, availed themselves of that Act to register their Chapel, and obtain the benefit of that Act. But in the deeds declaring the trust there was nothing to be found like an express statement of the doctrines that were to be taught in that chapel. But it was, unquestionably, a chapel built by the Trinitarians, large sums had been expended on it, and it had no less

than five endowments. This was in 1719. All went on; the congregation became so considerable, that two preachers were attached to this Chapel. These preachers, up to a comparatively recent time, were required to be Trinitarians by subscription to the doctrine. Within these thirty years, the Synod of Ulster did not require subscription, but it was still necessary that the preachers should profess the Trinitarian faith, and, until recently, the preachers of the Chapel, had held the Trinitarian doctrine. About thirty years ago, the faith of some of the congregation began to waver, and there was introduced into a vacancy that occurred, a gentleman who held Socinian opinions, and he ventured to launch them from his pulpit. For some months he carried on an Unitarian campaign at Cork, but in the end he was obliged to yield, and he left the Chapel to its ancient doctrine. He was succeeded by a gentleman who was more guarded in his conduct, and who contented himself with preaching nothing that should affirm or deny the Unitarian doctrine. In the course of time, however, he clearly manifested a leaning towards Socinian tenets. But the other minister of the chapel had uniformly and consistently been a Trinitarian. By the explanation just given by the noble and learned Lord of the usage, their Lordships would understand that the doctrines preached in the chapel for twenty or thirty years would be conclusive evidence of the original doctrines. Now, here was the case of a chapel in which one gentleman preached Trinitarian, and another Unitarian doctrines—a chapel largely endowed, and it could not be disputed that five-sixths of the money came from the pockets of the Presbyterians for the inculcation of Presbyterian doctrines. The noble and learned Lord said that the preaching for thirty years was to be taken as conclusive of the doctrine; yet here were two preachers inculcating opposite doctrines, and he hoped that the noble and learned Lord would indulge their Lordships' curiosity with an explanation of what would be the usage of the congregation in this case.

The *Lord Chancellor* said, that he begged to state that this Bill had nothing whatever to do with Repealers or Anti-Repealers. With respect to this particular point, he could only say that he knew nothing of this Chapel in Cork, or of the doctrines which were preached there. This he would say, if the statement made by the right Rev. Prelate were correct, this particular Chapel would not come under the provisions of the Act, for the Clause required that there should have been twenty-five years uniform preaching of the same doctrine. He, therefore, thought that the case put by the right Rev. Prelate did not at all apply.

The Bishop of *Exeter* said, that another question still remained which he would put to the noble and learned Lord. He wished to know, as this Chapel would not come within the regulations of the Bill, what would be the doctrines to be taught there? He wanted to know where there was no usage, and where that usage was not laid down in express terms, what was to be the rule to carry into effect the purposes of the trust?

The *Lord Chancellor* said, if the right rev. Prelate had more questions to put to him, would it not be better if he put them altogether at once? He (the Lord Chancellor) was informed on the best authority that the whole case of this Cork Chapel was a pure invention. His answer to the question of the right rev. Prelate was this:—this particular Chapel would be subjected to the law as it at present existed, the Bill not having yet passed. The present law would continue to apply to it, supposing this case to exist, which he (the Lord Chancellor) was informed it did not.

The Bishop of *Exeter* said, that the noble and learned Lord had spoken from some anonymous authority. The noble and learned Lord had been in communication with the noble Lord opposite (Lord Monteagle), who, no doubt, would have the manliness himself to come forward and contradict the statement which he (the Bishop of Exeter) had made, if he believed it to be incorrect. His informant was the Rev. Dr. Neligan, one of the most respectable clergymen in the south of Ireland.

Lord *Monteagle* had no difficulty at all in complying with the right rev. Prelate's request, and his statement should not rest on any anonymous information, or on a mere communication made to himself, but on a public document which he had the honour of presenting to that House, in the shape of a petition from one of the oldest Presbyterian ministers in Ireland, one who had been so from 1790 up to this time. So entirely contradicted was the statement which had been communicated to the right rev. Prelate—for he should be the last man to attribute to the right rev. Prelate any disposition to mislead their Lordships—but so far was the statement from being

correct, that the petitioner, the rev. D Hincks, a gentleman extremely well kno w in the south of Ireland, was called to his congregation from an establishment in England, which was the place of education for persons professing Unitarian opinions. So far from it being true that Dr. Hincks was introduced under any other guise than as a man known to profess those doctrines, that it was from the establishment of Dr. Kippis one of the most distinguished Unitarian teachers of that day, that he was selected; he remained for a considerable number of years the minister of that parish respectable and respected in the highest degree, and he had this claim on the respect of the right rev. Prelate, that though he had continued individually attached to the principles in which he was brought up, two of his sons had been educated as clergymen of the Church of England, and were now, as might be well known to noble Lords connected with the north of Ireland, beneficed in that part of the country. He had informed the noble Lord on the Woolsack of these facts, in justice to the rev. gentleman who placed the petition in his hands.

The Bishop of *Exeter* said, the question was, whether the authority of the noble Lord would contradict the assertion of his (the Bishop of Exeter's) informant, that at this moment there were two ministers connected with a Presbyterian Chapel at Cork, one holding Unitarian and the other Trinitarian doctrines.

Lord *Monteagle* said, that he could give a distinct contradiction to the statement made by the right rev. Prelate, to the effect that a gentleman had been introduced as minister to the Chapel who had gradually and by degrees introduced Unitarian doctrines into the pulpit—doctrines opposed to those which he professed at the period of his appointment, and contrary to the express object of the founders of the Chapel. Such was not a correct statement of facts. The gentleman in question was known to be an Unitarian—he came from a place established for the education of Unitarians: he was taken from that place and appointed to the Chapel, and for many years he continued there, highly respected by the congregation.

The Bishop of *Exeter* said he held in his hand a proof of the accuracy of his statement. When Dr. Hincks was chosen in 1790 the Munster Presbytery refused to ordain him, and therefore, Dr. Hincks did not officiate as minister in this Chapel at Cork. He was finally ordained by the Dublin Presbytery, and remained in Cork till 1814. He maintained that his statement was not proved to be contrary to fact. Two Gentlemen preached in the Chapel at Cork; one a notorious Unitarian, and the other holding Trinitarian doctrines. The main allegation he had made was, that there were, for a long period of years, two preachers in the Chapel at Cork, one of them being a Trinitarian, and the other an Unitarian.

The Earl of *Winchilsea* said, that the right Rev. Prelate (the Bishop of London) had the other night advanced arguments against this Bill which he considered unanswerable, and no attempt had been made to reply to them. The object he had in rising to-night was to place upon the records of their Lordships' House his decided hostility to this Measure. He could assure their Lordships that, with great deference to the opinion of the noble and learned Lord on the Woolsack, to whom he was, generally, most ready to give his support on questions of a judicial nature, nothing but a most conscientious conviction that this Measure was not founded in equity and justice, and was at direct variance, in a civil and religious point of view, with the best interests of the country, would have induced him to put his opinion upon record. A wholesome practice had prevailed in the Courts of Equity, that where the intention of a testator could be discovered, that intention should be fully carried out. Now, he was prepared to contend that the great body of the meeting-houses affected by this Bill had been endowed by Trinitarians, and for Trinitarian purposes, although that might not be clearly expressed in the trust deeds. He made this assertion advisedly and distinctly, because he was prepared to show that nine tenths of these endowments were made before Socinianism or Unitarianism had a legal existence in the country. Could their Lordships conceive that the founders of these endowments had the slightest intention that those endowments should be applied to the support of Socinianism or Unitarianism? He begged to remind their Lordships of a case which illustrated the danger there was of charitable bequests being diverted by the course of circumstances out of their proper channels, and suggested the remedy which should be applied. Two Gentlemen connected with Oxford had vested a sum of 10,000*l.* in the hands of trustees, the interest of which was to be applied after their deaths to the relief of

the widows of members of the corporation of Oxford. But, subsequently to the execution of the deed, the Test and Corporation Acts were repealed, and Dissenters were admitted members of that corporation, as well as of all other corporations in the kingdom. These gentlemen, who were then living, one of them, he believed, being eighty-four years of age, and the other eighty-two, found that under these circumstances, the widows of Dissenters would be equally entitled to relief from this fund with the widows of members of the Established Church; and they applied to a noble relative of his (Lord Winchilsea's) to ascertain how they might confine the appropriation of their property to the widows of members of the Established Church. It was suggested that the trustees might surrender their trust, and that a new trust might be created. This was done; and in the new trust a clause was inserted to prevent the property from being applied to the relief of Dissenters' widows, which otherwise would have been the case. He thought no one would suppose that any orthodox Trinitarian ever intended that his property should be applied to the support of Unitarianism. This Measure might have been just and fair, if the noble and learned Lord had confined it to cases in which endowments had been made since the passing of the acts legalising Unitarianism; because then it would have been the fault of the testators or founders that they had not taken legal means to prevent their property from being applied to the support of Unitarianism. He was, however, compelled to say, that he did differ very materially from the noble and learned Lord on the Woolsack as to the justice and propriety of this Bill, not only in a civil, but in a religious point of view. The orthodoxy of the Trinitarian Dissenter, who held the great doctrines of Christianity, was acknowledged. They held him to be, what he (the Earl of Winchilsea) would never allow the Unitarian Dissenter to be, as true a Christian—taking the Bible as his rule of faith—as any one could be. He (the Earl of Winchilsea) had always contended that a man who denied the divinity of Christ could not be considered a Christian. He who denied the divinity of the Son denied both Father and Son—the very doctrine of the Trinity, and they were expressly commanded in Scripture not to bid any one who preached such a doctrine God speed. On these grounds, therefore, he opposed the present Bill.

Earl *Fitzwilliam* said, he thought their Lordships, as a body, were not very well constituted for the discussion of purely religious questions; but, as Legislators, it was their duty to deal with the different religious sects into which the country was divided. He wished to express his gratitude to the right Rev. Prelate (the Bishop of Exeter), who, as he conceived, had rendered a great public service on this occasion. He also considered that the noble and learned Lord on the Woolsack had done a great public service in bringing forward this Measure; and he conceived also that their Lordships had done a great public service in agreeing to the Second Reading of this Bill, and he trusted they would now concur in its Third Reading. He thought that by agreeing to the Second Reading, they had borne ample testimony to the solidity of their judgments and the firmness of their minds. He agreed with his noble Kinsman opposite (the Earl of Winchilsea) that a more argumentative speech had seldom been delivered in their Lordships' House than that of the right Rev. Prelate (the Bishop of London) the other evening; and he thought their Lordships' firmness of mind was evinced by their agreeing to the Second Reading of this Bill, notwithstanding the powerful arguments brought to bear upon the question by that right Rev. Prelate. He felt extremely grateful to the right Rev. Prelate opposite (the Bishop of Exeter) for having exercised the office of catechist to-night; and he did not think the right Rev. Prelate had pushed his questions at all too far. He quite agreed with the right Rev. Prelate that the expression "usage of the congregation," in the present Bill, required explanation. He was not prepared, certainly, for the answer which had been given to the questions of the right Rev. Prelate. He could not think the usage of the congregation was, in the strict sense of the term, to be determined by the doctrine of a preacher who might, either on a particular occasion, or during the course of a long ministry, expound his opinions to the congregation. Though it might be probable that a preacher of skill, of ability, and of eloquence, might during his ministry, bring his congregation to adopt the opinions he advocated, yet he (Earl Fitzwilliam) could not agree that the term "usage of the congregation" was to be construed to mean the doctrines inculcated by the preacher. He thought their Lordships were acting with great wisdom

in placing in the hands of the congregation to whom this Bill referred—he had nothing to do with the question whether they were Trinitarian or Socinian—the Chapels in which they had been accustomed to worship. He was glad that their Lordships had passed this Bill through its previous stages with so much unanimity. A noble Lord said, their Lordships had not concurred unanimously in the adoption of this measure. At all events, no division had taken place, the right Rev. Prelates opposite even not having thought fit to divide the House.

Lord *Kenyon* said, it seemed to him that the short statement of the case was this:—that the noble and learned Lord on the Woolsack, for the sake of preventing litigation — which from that noble and learned Lord's own statement appeared as likely to be continued under the present Bill as it had been for a long course of years—wished to persuade their Lordships to enact that certain persons, using certain Chapels, should retain those Chapels for the inculcation of opinions differing from those of the persons by whom such Chapels were founded. The noble and learned Lord had stated to-night, that in a case mentioned by the right rev. Prelate, this Bill would not apply. He (Lord Kenyon) conceived there were probably many cases to which the Bill would not apply. Their Lordships had already determined judicially that this principle should be acted upon—that these Chapels should be placed in the hands of persons who entertained religious opinions in accordance with those of the founders, so far as the opinions of the founders could be ascertained. There were at least 300 Chapels in the counties of Lancaster and Chester, with respect to which this question would probably be raised, if their Lordships did not interfere legislatively to prevent justice from being done. He was determined to maintain the true Christian doctrine which had existed in this country for so many ages, and he should therefore feel it his duty to take the sense of the House on this question.

The Earl of *Minto* wished to say a word as to the charge which had been made by the right rev. Prelate opposite (the Bishop of Exeter) against a very respectable portion of the community. He thought, as the right rev. Prelate appeared to have been misinformed on several points, he must have acted upon incorrect information when he asserted that the Unitarians in the south of Ireland entertained feelings of disaffection towards the Government, and were favourable to the Repeal agitation. He (the Earl of Minto) was acquainted with many Unitarians in England who were able, temperate, and learned men. He did not know how far the character of the Irish Unitarians might differ from that of the Unitarians of England, for he had never had the good fortune to mix with them, but he thought that the right rev. Prelate must have been misinformed when he stated that they were remarkable among Dissenters for the unfriendly feeling they entertained towards the Church, and for their support of the Repeal agitation. He (the Earl of Minto) knew that one of the strongest opponents of Repeal in Ireland was a Gentleman who held Unitarian principles.

The Bishop of *Exeter* hoped he might be allowed to say a few words in reply to a charge that he had, without authority made a statement affecting the character of individuals of whom the noble Earl who complained of that statement admitted that he knew absolutely nothing. He (the Bishop of Exeter) had stated, upon the authority of the Gentleman whose name he had before mentioned, that the Unitarians in Cork and in the South of Ireland were advocates of Repeal, and that they were most prominent, speaking of them as a body—in opposing the interests of the Established Church. Whether or not his informant was worthy of credit he left it to their Lordships to judge. The noble Earl had charged him with acting upon erroneous information; but the reverse had been the case. The noble Lord (Lord Monteagle) had contradicted him because he thought he was speaking of a Mr. William Hincks, who had been a minister of the Chapel for only ten months, while he was alluding to Dr. Hincks who was minister of the Chapel in 1790.

The Earl of *Mountcashell* said, he thought this Bill was not only a Measure of spoliation, but one for the misapplication of trusts, and on these grounds he opposed it. He considered that it would inflict great injustice on a highly respectable, influential, and orthodox body of Christians. In the lapse of years the same principle might be applied to the Established Church of this country. He begged to remind their Lordships that large sums of money had of late been collected for building churches, which had been vested in the hands of trustees. Did their Lordships

know in what terms the trust-deeds were drawn? Were they drawn in such specific terms as to exclude from the possession of the churches supporters of a new doctrine which had lately been promulgated in the Church, and which was gaining considerable ground? With respect to the costs attending the litigation of those questions, although the noble and learned Lord (the Lord Chancellor) had estimated them at 30,000*l.* in Lady Hewley's case, he (Lord Mountcashell) had authority for saying that they amounted to a much smaller sum. He had an extract of a letter from a solicitor at Manchester, stating, on the authority of Dr. Cook, Moderator of the Synod of Ulster, that the costs in that case were only about 6,000*l.* If any argument, therefore, had been founded upon the expense, it amounted to nothing. He protested against the Bill, and if no other Peer did, he would divide the House upon the question. He had pledged himself to do so, in order that the public and the world might know his opinion, and that of other Peers.

Lord *Teynham* said, he agreed that something ought to be done, and if any parties could show that they were aggrieved, and would consent that the question should be settled by arbitration, some method might be devised for that purpose, that numerous properties might not be frittered away and lost in law proceedings. But this Bill was not the thing which in justice ought to be done. He opposed the Bill because it was an unjust one, and because the noble and learned Lord could not produce one single precedent or authority in favour of the Bill. He could not cite himself in favour of it, nor the opinions of the twelve Judges at the Bar of the House, nor the opinion of the House itself sitting as a Court of Equity, nor the principle of the Toleration Act, nor that of the 19th George III. One strong objection to the Bill was, that, by passing it, the Legislature would deal with all trust-property of Dissenters, and, in order to meet a case affecting a small minority of charitable trustees, all such trusteeships were to be interfered with. The Bill virtually repealed the 19th of George III., and limited the freedom of religious opinions. On these grounds he opposed the Bill.

House divided: — Content 44; Not-Content 9: Majority in favour of the Bill 35.

Bill passed.

List of the Not-Contents.

Mountcashel	Combermere
Winchilsea	Boston
Brownlow	Arden
Cholmondeley	Kenyon
Teynham	

The Bishop of *Exeter* wished to state the reason why he had not divided the House on a previous occasion. He knew that most of the right rev. Prelates were attending a charity festival, and he did not wish to appear over zealous in recording his vote, which could have no effect upon the fate of the Bill.

The Marquess of *Clanricarde* thought it desirable that the 21st Order of the House should be strictly observed, which required that after the question was put, no noble Lord should quit his place. In the House of Commons, if a Member remained in the House, he was required to vote, and he thought the rule should be enforced in this House.

The Earl of *Wicklow* observed, that the right rev. Prelate had proceeded to the foot of the Throne, and therefore he was not properly in the House.

The Marquess of *Clanricarde* said, the right rev. Prelate was certainly in the House, though not in the body of the House.

The Bishop of *Exeter* said, he had done no more than was done by noble Lords every night, and by the noble Marquess himself. If the noble Marquess, however, meant to be a purist he might be so.

The Marquess of *Clanricarde* said, he did not pretend to be a purist, but wished to secure respect to their proceedings both inside and outside the House.

The Earl of *Shaftesbury* read the 21st Order, to the effect, that "after the question was put, no noble Lord should go out of his place, unless there was a division upon the question." It was customary for noble Lords, when they did not mean to vote, to go to the foot of the Throne. In the House of Commons the doors were shut on a division, and no Member was permitted to go out of the House, and all Members in the gallery, and even in the lobby, were brought in and compelled to vote.

The Marquess of *Clanricarde* thought it would be better for the Standing Orders Committee to take the matter into consideration.

Conversation dropped.

House adjourned.

HOUSE OF COMMONS,

Thursday, May 9, 1844.

MINUTES.] BILLS. *Public.*—1°. Customs Duties; Turnpike Acts Continuance (Ireland); Unlawful Oaths (Ireland); Assaults (Ireland).

2°. Stamp Duties.

Private.—2°. Newport Docks; Delabole and Rock Railway (No. 2).

Reported.—Brighton and Chichester Railway; Wells Harbour and Quay; Sheffield, Ashton-under-Lyne, and Manchester Railway, and Ashton, Staleybridge, and Liverpool Junction Railway; Whitehaven and Maryport Railway; British Iron Company; Liverpool Docks.

3°. and passed:—Wells Lighting and Improvement; Leeds New Gas; Leeds and Bradford Railway; Globe Insurance; Liverpool Fire Prevention; Cababe's Naturalization; Haltwhistle Inclosure; Maryport and Carlisle Railway.

PETITIONS PRESENTED. By Mr. M. O'Connell (19 Petitions), from Ireland, and Mr. T. Duncombe, from Manchester, and Greenock, against Registration of Electors (Ireland) Bill.—By Mr. M. O'Connell, from Belfast, for Repeal of the Union.—By Mr. Darby, from Sussex (4), and Sir G. Grey, from London, for Alteration of Ecclesiastical Courts Bill.—By Viscount Castlereagh (11), Mr. Corry (2), Mr. Bateson (5), Dr. Boyd (12), and other hon. Members (3), all from Ireland, for Legalizing Presbyterian Marriages (Ireland).—By Mr. C. Round, from Yeldham, against further Grant to Maynooth.—By the same, from Yeldham, Viscount Marsham, from Rochester, and from Calke, against Union of Sees of St. Asaph and Bangor.—By Mr. H. Baillie, from Elgin, against Abolition of Tests in Scotch Universities.—By Mr. Bankes, from Dorsetshire (3), Mr. Cayley, from Yorkshire (48), and by other hon. Members (29), against Repeal of the Corn Laws.—By Messrs. C. and J. Round, from Essex (3), for Repeal of Stamp Duties on Hail Storm Insurances.—By Mr. Brotherton, from Durham, for Repeal of Hawkers' Licenses.—By Messrs. C. and J. Round, and by Sir J. Tyrrell, from Essex (6), for Alteration of Law of Arson.—By Mr. Ewart, from London, for Encouragement of Art Unions.—By Mr. R. Yorke, from York, for Alteration of County Courts Bill; and by Mr. Newdigate, from Warwickshire, for Compensation.—By Sir J. Hanmer, from Hull, and Lord A. Harvey, from Brighton, for Inquiry into Chancery Compensation.—By Mr. T. Duncombe, from E. Solby, for Liquidation of Danish Claims.—By Lord Ashley (5), for Limiting Hours of Labour (Factories Bill).—By Mr. Butler, from Carrigeen, for Inquiry.—By Mr. Chute, from Norfolk, for Alteration of Game Laws.—From Limerick, for Relief, and for Encouragement of Public Works.—By Mr. T. Duncombe, and Lord Ashley, from Long Govan, and Spitalfields, against Masters and Servants Bill.—By Mr. A. Chapman, from London Dock Company, for Alteration of Metropolitan Buildings Bill.—By Mr. Gill, and Mr. Scholefield, from Plymouth, and Birmingham, against Poor Law Amendment Bill.—By Mr. Brotherton, from Salford, against Rating Owners of Tenements.—By Mr. H. Baillie, from Abertarph, for Bettering Schoolmasters (Ireland).—By Mr. E. Yorke, from Wisbeach, in favour of Small Debts Bill.

WOMEN IN COLLIERIES.] Mr. *Labouchere* was anxious to put a question on a subject which had excited a painful interest in that part of Staffordshire where coal and iron mines were worked. He was informed that the magistrates in that district of the country had come to a decision, putting a construction on a Clause in what was called Lord Ashley's Colliery Act, which had thrown several hundred women out of employment, to the great injury and distress of their families; these women had not worked under ground, but on the surface, in connection with the machinery, and in a way that was neither laborious nor unfeminine. A panic had accordingly prevailed, and in a limited district, if he were correctly informed, not much fewer than a thousand women had been discharged. His question was, whether the Home Secretary had had his attention called to the subject, and whether the right hon. Gentleman were in a condition to make any statement to the House which might serve to remove misapprehension?

Sir *J. Graham* was not sorry that the subject had been mentioned. The statement of facts made by his right hon. Friend was in the main correct; a large number of females in the neighbourhood of Bilston, within a circuit of about seven miles, and amounting to about a thousand, had been recently discharged. Their discharge had arisen out of a strained, and, he believed, erroneous construction of two Clauses in the Mining and Colliery Act; and the matter had appeared to him of so much importance, that he had immediately directed the attention of the law officers of the Crown to it, in order that they might come to a decision as to the true meaning of the Clauses, without loss of time. He had informed the inspector that such was the state of the case, and that, as soon as the opinion of the Attorney and Solicitor General had been obtained, it should be communicated. He was most anxious that no further discharge of females should take place in the mean time. It was quite true that the women had been employed only at the pit's mouth in the delivery of the baskets, a duty that from the earliest period had been performed by women. Considerable distress had already been occasioned by the construction put upon the Clauses by the Magistrates, and still more would occur, if it were found to prevail; but he trusted that nothing more would be done, until the opinion of the law officers of the Crown had been obtained.

LORD LIEUTENANCY OF IRELAND.] Mr. *Hume*, in pursuance of notice, brought forward his Motion for an Address to the Crown, for the abolition of the office of Lord Lieutenant of Ireland. Having been always opposed to the Repeal of the Union, he was anxious to remove what appeared

to him a considerable cause of the existing agitation in Ireland. The Resolution he should submit would in effect, declare that the office of Lord Lieutenant was beneficial neither to Ireland nor England. It had been prejudicial, it was still prejudicial, and it would continue to be prejudicial. More than twenty years ago he had submitted a Motion to the House of the same import, and had Members ventured to give an independent opinion on the question, his belief was, that he should have had a majority in his favour. In 1830 he had again brought forward the subject, and although he did not carry his Motion, he counted 117 votes in favour of it, and this he considered a pretty strong demonstration, considering the state of the House and the influence of the Administration. For some years he had waited in the hope that Government would itself come forward to abolish the office, but when Lord Fortescue was selected for it in 1839, he had given a notice similar to that he had previously introduced; but, unfortunately, no House was made on the evening when he was to have brought forward his motion. He not only saw no objection to now once more inviting the attention of Members to the question, but every reason why he should point out anew some of the evils that had arisen from an injudicious course of policy. Looking at the terms of the Act of Union, and at the opinions of both Houses on the occasion, he was convinced that it never was intended that the Lord Lieutenant should be continued. Forty-four years had passed since the Union, and the avowed object of it was to promote happiness and contentment by a perfect assimilation of the institutions of the two countries. That perfect assimilation had never been accomplished, and at this moment discontent and distraction spread from one end of Ireland to the other. He therefore called upon the House, after a trial of forty-four years, to abolish a system of government which had rendered Ireland little better than a colony like Canada or Jamaica. The experience of the case of Scotland was directly in favour of his Motion; he believed that if a Viceroy had been placed over that country, instead of fairly and honestly consolidating and assimilating the respective institutions, instead of being one of the quietest, Scotland would have been one of the most disturbed countries; yet, at the date of the Union with Scotland, history showed to what an extent destitution and violation of the law prevailed. The example of Scotland ought, therefore, to be well considered by those who were anxious to promote the good government of Ireland. On the 22nd of January, 1799, his Majesty sent the following message to Parliament:

"His Majesty is persuaded that the unremitting industry with which our enemies persevere in their avowed design of effecting the separation of Ireland from this kingdom cannot fail to engage the particular ettention of Parliament, and his Majesty recommends it to this House to consider of the most effectual means of counteracting and finally defeating this design; and he trusts that a review of all the circumstances which have recently occurred (joined to the sentiment of mutual affection and common interests) will dispose the Parliament of both kingdoms to provide, in the manner which they shall judge most expedient, for settling such a complete and final adjustment as may best tend to improve and perpetuate a connection essential for their common security, and to augment and consolidate the strength, power, and resources of the British Empire."

The Commons of England re-echoed the sentiments of His Majesty by next day adopting the subsequent Resolution:

"That we entertain a firm persuasion that a complete and entire union between Great Britain and Ireland, founded on equal and liberal principles, on the similarity of laws, constitution, and government, and on a sense of mutual interests and affections, by promoting the security, wealth, and commerce of the respective Kingdoms, and by allaying the distractions which have unhappily prevailed in Ireland, must afford fresh means of opposing at all times an effectual resistance to the destructive projects of our foreign and domestic enemies, and must tend to confirm and augment the stability, power, and resources of the Empire."

The spirit in which the Irish Parliament received the measure, might be seen from the ensuing extract from the address which accompanied the Resolutions:

"We offer them (the Resolutions) in the full conviction that by incorporating the legislature, and by consolidating the resources of the two kingdoms, we shall increase the power and stability of that Empire, and that, by uniting ourselves with your Majesty's subjects of Great Britain under one Parliament and under one Government, we shall most effectually provide for the improvement of our commerce, the security of our religion, and the preservation of our liberties."

To this he might add a short quotation

from Mr. Pitt's speech, delivered on the 2nd April, 1800:—

"We must look to this as the only measure we can adopt which can calm the dissensions allay the animosities, and dissipate the jealousies which have unfortunately existed; as a measure whose object is to communicate to the sister kingdom the skill, the capital, and the industry which have raised this country to such a pitch of opulence; to unite the affections and resources of two powerful nations, and to place under one public will the direction of the whole force of the Empire."

Such were the expectations of Mr. Pitt, and the King, in his speech from the throne, had expressed the same sentiment:—

"This great measure (the Union) he should ever consider as the happiest event of his reign, being persuaded that nothing could so effectually contribute to extend to his subjects the full participation of the blessings to be derived from the British constitution, and establish on the most solid foundations the strength, prosperity, and power of the Empire."

Looking at the manner in which the affairs of Ireland had been conducted since that period, he (Mr. Hume) appealed to all who heard him, whether the anticipated results had been realized? He held that the Union had never in fact, been completed; some great efforts had been made, and in many respects the two countries had been assimilated. At the date of the Union Ireland had a separate Secretary at War, a separate Post Office, a separate Excise, and a separate Treasury. But all these departments had since been united to those of Great Britain; though enough of the relics of Irish institutions had all along been preserved to maintain a strong party spirit, and Dublin Castle had been since the Union as before the very seat of corruption and intrigue. Thus, discontent had been fomented, instead of being subdued, and Ireland, which might have been rich and happy, was poor and wretched. When the Motion now under consideration was before the House in 1830, Mr. Spring Rice, now Lord Monteagle, made a most able and conclusive speech in its favour, proving, beyond contradiction, the impossibility of conducting the government of Ireland beneficially under the present system. He said:

"What has been the effect of the local Government of Ireland? It has been to give responsibility without power, and power without responsibility. The effect has been to throw the Government of Ireland into the hands of a little circle, with whom it really rested, however the responsible heads of the administration might be changed. One consequence of this has been, that we have had a continual revolution of changes in that country. Secretary has succeeded secretary, of characters so opposite. that the last has ever appeared to be chosen as if to serve as a contrast to the Gentleman who had preceded him· Let hon. Members only read the list of those who had filled the office of Chief Secretary in Ireland since the Union, and then ask themselves whether it be possible to imagine that a permanent system of Government could be continued by such discordant administrators? Let hon. Members cast up the average duration of each Secretary's remaining in office since the period I have mentioned, and he will find that it amounts to only nineteen months. That, I think, is a sufficient argument against the possibility of an uniform plan of Government having been pursued; but the mere enumeration of some of the names of those who have successively filled the office of Chief Secretary since the period in question will be sufficient to settle that question."

It has been calculated by Mr. Spring Rice, that in the thirty years preceding the Union there had been fourteen different Secretaries of State for Ireland, and they were these:—Sir John Blaquire, Sir Richard Heron, William Eden, Hon. Edward Fitzpatrick, Mr. W. Grenville, W. Wyndham, Hon. Thomas Pelham, Thomas Orde, Alleyne Fitzherbert, Robert Hobart, Sylvester Douglas, Lord George Damer, Hon. Thomas Pelham, Viscount Castlereagh. In the thirty years following the Union there had been no fewer than sixteen Secretaries for Ireland, and their names were: — Viscount Castlereagh, Right Hon. C. Abbott, William Wickham, Sir Evan Nepean, Nicholas Vansittart, Charles Long, William Elliott, Sir Arthur Wellesley, Robert Dundas, W. W. Pole, Robert Peel, Charles Grant, Henry Goulburn, William Lamb, Lord Gower, Sir Henry Hardinge. Since 1830, Ireland had had the benefit of the services of several other secretaries, including Mr. Littleton, Lord Stanley, Lord F. Egerton, Lord Morpeth, and Lord Eliot; and he (Mr. Hume) doubted whether any of them had had time to make themselves acquainted with the real condition and interests of Ireland. He might quote the opinion of nearly every Irishman against the present system of Government in his country, and especially of Mr. Brownlow, now advanced to the peerage. But Lord

Monteagle had put the evils in so strong and clear a light that he could not refrain from making another short quotation from his speech delivered on the 11th of May, 1830:—

"It is right, upon this subject, to speak openly, and I will ask those who are acquainted with the real state of things in Dublin, whether they believe my noble Friend opposite (Lord Francis Egerton) possesses any real influence in the Government of Ireland? I will ask them, whether they believe the noble Duke at the head of the Administration, or the right hon. Home Secretary, possess that influence? They cannot; for, whether rightly or wrongly, they believe it to be exercised by a small coterie at the Castle, long in possession of an irresponsible office, but who, in fact, govern Ireland; and, rightly or wrongly, that is the general opinion of the people of that country, who conceive that it is thus the nominal Government is deprived of its strength. But let us examine the result of the present system in another point of view: suppose that the Chief Secretary and Lord Lieutenant are so entirely identified with the Home Office, that not the slightest variance occurs between them. In that case, you only interpose an useless piece of machinery between the Home Office here and the administration of affairs in Ireland; but suppose, on the other hand, that you have a Lord Lieutenant of strong feelings, of honourable, upright, unbending, unswerving character—not on the best possible terms with the Government at home—suppose such a Lord Lieutenant drawing one way, the Home Secretary drawing another, with the Chief Secretary for Ireland, perhaps, impartial between the contending parties—what must be the result? Is it possible that such a coalition can produce a system of Government beneficial to the country in which it is established?"

What had not long since taken place at Clontarf was a strong illustration of the inconvenience of the present system. The delay in the issue of the proclamation was owing to the existence of a delegated authority; for if there had been no Lord Lieutenant to be consulted, but the Home Office had acted at once, the threatened danger of a collision could never have occurred. What he wished was, to induce the House to complete the Union, which was yet imperfect; take away the local Government, and one great cause of discontent would be removed. On this account he believed that his Motion would be opposed principally by Irish Members, who were anxious for the Repeal of the Union. The hon. and learned Member for Cork had fairly avowed his purpose of maintaining the nationality of his country, and nobody could look at the agitation he had excited without being satisfied that to withdraw the Lord Lieutenant, and to abolish his office, would be the most effectual mode of allaying discontent. This was a question in which Irishmen alone were not concerned; it was as much an English question as any that could be discussed, for the welfare of England depended upon a real and effectual Union with Ireland. At present, under a Viceroy, Ireland was much in the condition of a conquered country, and she had been most unjustly deprived of some of her dearest rights and privileges; in fact, justice could never be done to Ireland until the office of Lord Lieutenant no longer existed. By a Return upon the Table, it appeared that there were no fewer than between sixty and seventy places in Ireland where barracks had been repaired within the last year, and where troops were quartered for the purpose of keeping down the discontent of the people, and their agitation in the cause of Repeal. Agitation for Repeal was the effect, and the Lord Lieutenant was the cause, and if the cause were removed, the effect of course, would cease. He had pointed out one reason for this discontent. The abolition of the office of Lord Lieutenant would cause a direct saving of 100,000*l.* a year; and he believed it would save altogether 1,100,000*l.* now spent in keeping Ireland down. Ireland was in as bad a state in 1844 as it was after the rebellion in 1798. It was time to turn over a new leaf, and he believed that great good could be done by bringing that country under a Secretary of State, with a Secretary for Ireland sitting by him, and with a seat in the Cabinet. The mode in which the Establishment could be reduced by the removal of the Lord Lieutenant he would leave for his hon. Friend who would second the Motion. He would only ask, what injury could arise from the abolition? In 1830, the hon. Member for Cork had stated that Ireland was in great distress; but Sir H. Parnell, and Mr. Brownlow had both denied that property would be depreciated if the Lord Lieutenant were removed. The loss would be a small question compared with the advantages which would be gained by Ireland. He believed that Dublin had already lost much of its productive industry from various causes, but if party spirit were quelled, and the focus of discontent removed, good would be effected. It was a matter of vast

importance that this country should remove one of the great grievances of that country. The right hon. Baronet had stated that Ireland was his great annoyance—he feared that she was found to be so now, and she would be till a new mode were adopted of governing her. The Orange party had now the power, and he would ask even them, whether it were possible, with the existence of a viceroy, that there could be content? He had submitted his Motion to the House in three different forms; whether, in its present shape it were best he knew not, but it appeared to him to meet the case. He had no wish to interfere with the present Viceroy, he had no ground of complaint to make against him. His complaint was against the office, and not against the individual. Ireland was now in a position at which no Friend of that country could look with indifference; they had the means of allaying the discontent, but they had adopted the wrong course. He called upon them to act justly in performance of the pledge given at the Union. Hitherto the Irish had been used harshly and unjustly; favour had been given to one party and not to the whole population; and he called upon the House to let Ireland have that good Government to which she was entitled. The hon. Member concluded by moving—

"That an humble address be presented to Her Majesty, praying that she will be graciously pleased to consider whether it would not be for the advantage of Ireland, and to the interest of the United Kingdom, to abolish the office of Lord Lieutenant of Ireland."

Captain *Bernal* seconded the Motion. In the course of the last Session, and during the debate on the State of Ireland, the House could not fail to have been struck with the observation of the hon. Member for Shrewsbury, who defined Ireland to be a country afflicted with a starving population, an absentee aristocracy, an alien Church, and the weakest Executive in the known world. He hoped, before he sat down, the House would be convinced, not only that it was the weakest, but the most mischievous Executive in the known world. Although, by one of the fictions of the Constitution, Ireland was an integral part of the Empire, yet the Government was administered in a Colonial form, with this only difference, that in the Colonies there was equal responsibility between the Home and the Colonial Government: in Ireland there was no such division; for, however efficient the Irish Executive might be, it was neutralised and overborne by a Cabinet sitting in London. The consequence was, that the Irish Executive, having no great matters to which they could devote themselves, were constantly meddling with small and insignificant matters, which laid the foundation of all the petty intrigues and all the factions which were known to exist in the Castle of Dublin. In the time of Mr. Pitt, good might have been intended for Ireland; but the Union had left all his good intentions unaccomplished, and Ireland had been deprived of all good measures by the changes of party in this country. If he looked to the Act of Union, he could see no reason for retaining the office of Lord Lieutenant, and there was not now, as much reason as there was then. Thanks to railroads and steam, Ireland was as near to London now as to Edinburgh; he thought that, during the last week, one of the newspapers, the *Morning Herald*, had received an express from Dublin in sixteen hours; and yet they were trifling with that country by keeping up a *quasi* King, a semi-regal Court, a Privy Council, and all the outward and visible signs of a separate Kingdom, without the inward and spiritual grace of a separate Parliament. In the first place, the office was always given to a political partisan. He went over, and what happened? If he took a Whig Lord Lieutenant, on his very first appearance the Tory nobility and gentry treated him with great contempt; his character was aspersed in the public prints. If he chanced to appoint a Roman Catholic, a relative of the great demagogue, to office—nay, if he went a little further, and asked the hon. Gentleman himself to dinner, all the Orange dowagers of both sexes launched their anathemas against the Government, and declared that the Constitution was destroyed. What happened if there was a Conservative Lord Lieutenant? The Dublin coteries were in extacies, the Tory Lords and gentlemen exulted, whilst the people were disheartened; the Protestant Associations—a class whom Burke describes as "never showing any wonderful zeal for religion, except when it was employed in mortifying their neighbours"—addressed the new Lord Lieutenant as the man designed by Scripture to burn the temples and overthrow the altars of their Roman Catholic fellow-subjects. According to the reports, this address wouldbe received with the warmest acknowledgments, and the

Roman Catholics would be disgusted. They believed that if they did not receive kindness, they ought, at least, to experience impartiality; the most virulent party spirit would pervade all private society; and the Chief Ruler of Ireland, instead of being looked upon as the Queen's Representative, would be viewed only as the head of a party. If the right hon. Gentleman opposite would concede that Government in Ireland, as elsewhere, was an experimental, and, therefore, a progressive science, it was remarkable, that for 672 years, Government had made no progress in Ireland. In the year 1172, King Henry II. appointed an English Lord Lieutenant to preside over his newly-acquired dominions, and in 1844 he still found that an English Lord Lieutenant still presided over the destinies of Ireland. Now, it would appear that the Government of Ireland was administered by three principal Officers, a Lord Lieutenant, a Lord Chancellor, and a Chief Secretary. It had been almost uniformly the practice, in filling these high offices, to select Englishmen. From 1711 to 1800 there had been but one Irishman filling the office of Lord Lieutenant—James, Duke of Ormonde; and from 1800 to the present day there had been only one more—the Marquess of Wellesley. Again, with respect to the office of Lord Chancellor. From 1760 to the present day, there had been twelve Lord Chancellors, of whom only three were Irishmen. Down from the same time to the present, there had been forty-two Chief Secretaries, of whom only seven were Irishmen, or connected with Ireland. Attached to each of those offices were numerous minor and mischievous *employées*. There was the Under Secretary and his clique, the Attorney General and his clique, and that very anomalous Officer, whose office he hardly knew how to define, who held a most important office, but who was in no way responsible, although he was as necessary a person about the Castle as was a prompter in the theatre, whose voice was occasionally heard, but who was himself never seen, yet who pulled all the strings—the Law Adviser of the Castle. He would venture to say that though the Lord Lieutenant might wear the likeness of a Kingly Crown, he could not take office without being controlled by the Secretary of State at the Home Office, where it could not be supposed that the wishes and wants of the Irish people could be very well understood. He had in favour of his own views the authority of a Gentleman holding a high office, and whose opinion was very much respected, and who would, no doubt, be found voting with him in a powerful minority that evening. The right hon. the Recorder of Dublin (Mr. Shaw) in 1843, and on 30th May, said:—

"But the truth was, in times of any emergency, the Lord Lieutenant of Ireland was a most anomalous office—it was a painful position for any man of high and independent spirit; he had neither the irresponsibility of the Crown nor the power of a Minister. He was controlled in what his own better judgment would dictate; and constantly blamed for what he had not authority to control. Here, be it observed, he (Mr. Shaw) spoke of the nature of the office, and not of the practice pursued towards the individual Lord Lieutenant. Then as to his (Mr. Shaw's) noble Friend the Secretary for Ireland, nothing could exceed his courtesy and politeness, and his disposition to please everybody, and to do all that he thought for the good of the country; but men of business and irrespective of party complained that there seemed no independent power belonging to the office. What was agreed to in Dublin might or might not be ratified or even heard of in London. The care of our public institutions—the legislation for local objects—measures for opening the internal resources of the country, and giving labour to an unemployed population, and the general and unpolitical interests of the country appeared to be postponed to the more pressing and urgent business of the departments in England through which Ireland was indirectly governed. It was difficult to know where Irish business was done, or omitted to be done—an unseen hand was supposed to direct it, and that of one who was acquainted with the wants, the feelings, the wishes, or the circumstances of the people of Ireland."

Was there any Gentleman in that House who knew the nature of the office better than the right hon. Gentleman? What stronger opinion could be given? He knew that this was a most prevalent opinion. He need only refer, as an authority to a name which was universally known and universally respected—the Duke of Leinster—who looked upon the existence of the office of Lord Lieutenant as one of the remote causes of the agitation for the Repeal of the Union. Well, but it might be said, that the Dublin trade would be such great opponents of a change that it would be totally impossible to carry out the Measure. Although, however, they removed the office of Lord Lieutenant, they might still take the grant, and could apply it towards the remission of the local taxation. He merely threw out the suggestion.

[*Laughter.*] Hon. Gentlemen laughed at that application, but why might it not be applied towards public works? To anything except what Lord Castlereagh had said, "digging holes and burying shillings in them"—to improve the moral and social condition of the people. Surely there was no defence for the continuance. Although a large establishment was the consequence of the Lord Lieutenancy, it did not exercise so beneficial an influence on the present tone of society as was supposed. He had the honour for seven years, of being upon the staff of the Lord Lieutenant under Lord Normanby and Lord Fortescue, and so far from the Lord Lieutenancy producing habits of union, it had proved a fertile source of jealousy. It was a mimic representation of royalty, which tended to bring royalty itself into contempt. The drawing rooms and levees contributed as much as anything towards this. During the appointment of Lord Normanby it was a taunt that the drawing-rooms and levees were not attended by the aristocracy; but he had been much amused the other day, in selecting from a Dublin newspaper, advertisements relative to the occasion of a levee under the present aristocratic system. In *Saunders' News Letter* of the 1st of March, 1844, he found, amongst many other advertisements, the following;—

"*Dublin Castle*

"Notice.—Gentlemen who purpose attending the approaching levee at the Castle ean be supplied with a claret brown court dress on hire for 2*s.* 6*d.* per suit each day, secresy observed. This being the lowest charge made for the hire of a claret brown suit to the humble class of people for tee-total and Repeal processions, fancy balls, &c., there can be no deviation from it. J. Bagnall and Son, merchant tailors, 137 Capel Street."

The House would gather from this advertisement, that in the estimation of the tailor at least, the tee-total processions were upon a level with the levees, that the same claret brown suit would do for both, and, what was of more importance to the wearer, that the charge would be the same. If they did away with the office of Lord Lieutenant, it might be asked how the duty was to be discharged? They could not throw it upon the Home Office, which already had employment enough; and a number of Bills which, God knew, it would be difficult enough to tell when they would pass. But what objection could there be to the appointment of a fourth Secretary of State with a seat in the Cabinet, which the Secretary for Ireland could not now have without being placed above his superior? There was only one other proposal to which he would refer. Mr. Grattan had defined the true genius of the Irish nation to be "affectionate." He would not recall to the House their desperate fidelity to a fallen race of monarchs: but till the Hanoverian succession, they had never seen a monarch except under arms against them. The three first Sovereigns of the house of Hanover had not visited Ireland; and when they saw a *bonâ fide* live King, on the occasion of George IV. landing there, the impression of his footstep was cut out of the solid rock on which he stepped. In the event of the abolition of the Lord Lieutenancy, he warmly recommended the right hon. Gentleman to advise Her Majesty to spend a certain part of every year in Ireland; and if she did this, she would go far towards realising the poetical peroration of the right hon. Gentleman, and appear in Ireland as an angel of peace, leaving, not her footsteps engraven on the barren rock, but her memory living in the hearts of a loyal, a faithful, and a devoted people.

Lord *Eliot* willingly conceded that this was not a party question; that it did not involve any general principle or rule of policy, and that it was a question to be considered according to the exigencies of time and circumstances. But when hon. Gentlemen proposed to abolish an office which had existed for five hundred years, he thought they were bound to show not only that some great evils were inherent in it, but that they were prepared with a substitute which would accomplish the ends they had in view. Now he thought the evils attending the office had been overstated, and the evils of abolishing it understated. The hon. Mover had referred to debates in 1822 and 1830, and had read passages from the speeches of Mr. Pitt and others, but he was at a loss to understand their bearing upon the question, or wherein they recommended the transference of the local Government to London. He begged to remind the hon. Gentleman that Mr. O'Connell, who, he had never denied, represented the opinions of a large portion of his countrymen, had stated that a disinclination was manifested by all classes of the people of Ireland to the abolition of the Vice-Royalty — that they considered it would lead to increased absenteeism, and that the presence in Ireland of a person of high rank to preside over the administra-

tion of affairs was calculated to exercise a controlling influence over factions which was not to be expected from a government of clerks. Another great authority on such matters, Sir John Newport, had said, that the feelings of the people of Ireland would be exasperated by the removal of the seat of Government from Dublin. He agreed with the hon. Member that there was nothing in the Act of Union stipulating for the continuance of the Lord Lieutenancy, but he believed there was at that time a tacit understanding that the seat of Government should remain in Ireland. On the part of the Lord Lieutenant and in his own behalf, he denied that the Irish Government was led by clerks and cliques; the officers of that Government held themselves responsible for their actions, they acted on the purest and sincerest motives; and he repudiated and repelled the insinuations cast out against them. The hon. Gentleman had suggested the appointment of a fourth Secretary of State, but the hon. Gentleman had not attempted to show by what machinery he would carry on the affairs of Government for Ireland, which were now carried on at the seat of that Government in Dublin. To transfer those powers, to reconstruct that machinery, would be a very difficult task. There was hardly a single Act of Parliament relating to Ireland which did not vest in the Lord Lieutenant himself, or in the Lord Lieutenant and Council certain powers. If the office of Lord Lieutenant were abolished, it would not do merely to transfer by a sweeping clause, all such powers to the Secretary of State, but it would be requisite to revise and reconsider every Act of Parliament, or otherwise they would be involved in inextricable difficulties. There were also considerable powers vested in the Privy Council. In whose hands should those powers be vested if the office of Lord Lieutenant were to be abolished? To transfer these powers to England would be productive of the greatest inconvenience, as all matters of business with a variety of local details now came under the consideration of the Lord Lieutenant in Council. Hon. Members were perhaps not aware of the extent of the duties devolving on the Secretary for Ireland. There were in his office — one Chief Clerk, Seven Assistants, and eight Junior Clerks, and one Law officer. The first division had to attend to the correspondence relating to the Magistracy, the Clerks of the Crown, and Clerks of the Peace, which was neither light nor trivial. The other division had to attend to ecclesiastical matters, to prepare Returns to Parliament (which were neither small in number nor volume), to carry on business connected with the constabulary, militia, &c., to conduct the correspondence with the Crown Solicitors, on matters relating to convictions and remission of sentences, &c.; all this demanded a great deal of time and trouble. This last was a most important duty; for in every case where the least doubt arose, application was made to the Lord Lieutenant for remission; and in 1843, no less than 1270 such cases arose —each of which involved a lengthened correspondence, and frequently oral communications with the Judges who presided. Looking at this mass of business and its nature, it appeared to him that the removal of the seat of it from Dublin to London, and thus depriving the various parties interested of speedy and easy access to the Government, would tend to the greatest inconvenience. Besides this there was a continual application for law opinions. Objections had been made to the officer in Ireland called the law adviser to the Crown. But that law officer was a responsible officer, and a necessary one. In Ireland it was the practice to refer to the Crown for advice in all matters of difficulty. The paid and unpaid Magistrates, the constabulary, and various other parties, made these references. It was not the practice here, but such was the multitude of such applications in Ireland that the Attorney and Solicitor General could not, consistently with the discharge of their other duties, attend to them. Hence the necessity of a law adviser, and this formed another reason against removing the seat of Government. If the hon. Gentleman contemplated the entire removal of these departments from Dublin, independently of the general inconvenience, it would materially increase the expense. The hon. Gentleman had spoken of Scotland, but that was not a parallel case. There was no identity of institutions between England and Scotland. He admitted, that in Scotland a local Executive was not wanted, but a very different state of society prevailed in Scotland and Ireland. He did not wish to provoke a debate on the state of Ireland; but perhaps he might say, without offence, that in Scotland the obedience to the law was the rule; and though he would not go so far as to say that in Ireland the reverse

was the rule, yet the people of Ireland were not disposed to pay the same obedience to the law as in Scotland. Disturbances and outrages were much more frequent in Ireland, and consequently it much more required the presence of a local Executive, which should be ready to take upon itself the resposibility of immediate action; and he thought it would be difficult to maintain the public peace in Ireland, unless there were upon the spot an officer vested with the authority of the Lord Lieutenant. The hon. Gentleman had complained of the changes that took place, and of the number of successive Lords Lieutenant; but that was a natural consequence of the representative form of Government. There had, probably, been nearly as many Home Secretaries as Lords Lieutenant, and if the hon. Gentleman thought it so desirable to have a stable Government for Ireland, and a permanent Lord Lieutenant, the best thing he could do would be to support with all his powers the present Government. But, joking aside, he entirely dissented from the doctrines of the hon. Gentleman, nor could he agree with him that Ireland was treated as a colony. In all matters of foreign commerce, in her representation in that House, and in other general matters, she was on the same footing as any other portion of the United Kingdom; and the mere fact of there being in Ireland an executive officer to administer the laws adopted in the United Legislature surely did not constitute any reason for considering Ireland as a colony? He believed that the general disposition of the people of Ireland was against the proposed change, and he thought nothing would dissatisfy that people so much as the adoption of the Motion of the hon. Member for the transference of the seat of Government to this country. Without thus pledging himself to maintain, under a different state of things, the office of Lord Lieutenant, he must on the present occasion resist the Motion for its abolition.

Lord *John Russell* said, the noble Lord had stated that such a change as the Motion of the hon. Member contemplated would be very unsatisfactory to the people of Ireland. He (Lord John Russell) had had occasion to consider, in former years, whether it were advisable to abolish the office of Lord Lieutenant, and although he thought there were reasons of great force in favour of such a step, yet he came to the conclusion that it was not expedient at that time to make such a change; and he should think that this likewise was a time in which it would not be expedient to carry that change into effect. He thought the noble Lord was justified in saying, that in the present state of the country it could not with safety be done. As to the best mode of governing Ireland, he had no hesitation in saying that the government by the Lord Lieutenant was not the best; and he, therefore, disagreed with the noble Lord in many of the reasons which he stated. He had said that many things were done by the Lord Lieutenant in Council, and it was necessary that it should be so. It could not be doubted, if it was thought expedient for general purposes to abolish the office of Lord Lieutenant, that such arrangements might be made as would obviate the difficulties which the noble Lord had pointed out. That was a subject upon which a very great man had given his opinion. Soon after the Union with Scotland it was said that a Privy Council ought to be maintained in that country; but Lord Somers gave it as his opinion that it was not advisable to keep such a Council. He said that so long as there was a Privy Council in Scotland there would be a separate administration —a separate mode of transacting affairs —and so long as the Union existed, which he was most instrumental in causing, it could not be properly carried into effect by such a provision. As to the other matters alluded to by the noble Lord, as creating difficulties in the event of such a change taking place he (Lord J. Russell) could not at all see that they would exist. The noble Lord had said, that Scotland had very different laws and institutions from England, whereas Ireland had the same laws and institutions; why, that might be an argument why Scotland should not be united under the same institutions as England and Ireland, but it surely could not support the argument of the noble Lord in favour of separate institutions for Ireland. But the fact was, that the difference of the institutions of Scotland created no difficulty, and the right hon. Gentleman the Secretary of State for the Home Department found that he could exercise his functions as easily with reference to the opinions of the Scotch Judges, as the English Judges. Another reason which the noble Lord had given, was with reference to the application of Magistrates and others to the Castle of Dublin for advice. He (Lord

J. Russell) thought it was advisable to diminish the number of such applications. Nothing was more admirable in the constitution of English society than the confidence displayed in local decisions. The people were easily amenable to the law, and generally satisfied with its administration, and there was scarcely one case in a hundred where it was thought necessary to appeal from the decisions of the local authorities, and resort to the Government. But he was sorry to say it was not so in Ireland. In that country there was a reluctance to come to any decision for which the parties might be responsible, and it was the practice to refer to the Government to relieve individual responsibility, and throw it on the Executive Government. So far from that being an advantage, he thought it an evil. He thought the abolition of such a system would produce a good general effect, and if the office of Lord Lieutenant were abolished, the Secretary of State for the Home Department would be the proper person to exercise these functions. He thought, as a general question it would be a convenience to the Executive Government if the office were abolished; and if the present Government did not consent to its abolition, it was because they felt that it would now affect their power in carrying on the Government of Ireland. He would not, therefore, embarrass the Government by voting for the Motion. He would not now support the abolition of the office, although he thought the government of Ireland would be better carried on without it.

Mr. *Shaw* had been so pointedly referred to by the hon. and gallant Member, who seconded the Motion, that he could not avoid saying a few words upon it. He confessed that the subject was one on which he would rather not express a positive opinion. The local trade of Dublin, in which he felt a deep interest, would be depressed, at all events, in the first instance, by the removal of the viceregal residence; and the society of Dublin and its vicinity would probably suffer from the same cause. But, on the other hand he must acknowledge that public opinion in Ireland had undergone a considerable change in respect of the policy of retaining the office of Lord Lieutenant in that country. It was impossible not to feel for a high-minded and independent man, such as the present Lord Lieutenant of Ireland, placed in the anomalous situation he was, with the name without the reality of power, charged with the responsibility without virtually possessing the control of the Government of that country, while those in whom that Government was substantially vested were subject to no direct responsibility. Whatever, therefore, might be his personal prejudices in favour of the continuance of the office of the Lord Lieutenancy of Ireland, he was not prepared to affirm that, in a comprehensive view of the question, the state of things which he had described, and with respect to which he believed there was a very general unanimity of opinion amongst all parties in Ireland, could be regarded as likely ultimately to be conducive to the best interests of that country. He meant, the nominal responsibility without the real power of a Lord Lieutenant, and the real power without the due responsibility of the department by which the affairs of Ireland were virtually governed. He would recommend the hon. Member for Montrose not to divide the House, by doing so he would probably commit Members against his proposition, whose minds were gradually becoming favourable to it. He concurred with the noble Lord, (Lord J. Russell) that to agree in the Motion of the hon. Member would amount to an expression of the opinion of the House that the office of Lord Lieutenant of Ireland should be immediately abolished. He was not prepared to do that—he felt that it was a question which could only be settled satisfactorily by the hands of the Executive Government—strengthened by the general feeling of all parties in Ireland—therefore, notwithstanding the opinions of his own, which had been quoted that evening, and which he did not retract, and those which he had then expressed—if the hon. Member divided the House, he must vote against him.

Captain *Layard* had been twelve or thirteen years in Ireland, and, for one, was fully convinced that it would be greatly to the disadvantage of the country to remove the Lord Lieutenant; and he believed that the majority of the people fully agreed with him. The great grievances of Ireland were absenteeism and want of employment; the first of these evils would be greatly increased by the removal of the Lord Lieutenant, and he was convinced that the employment which was given to the trade of Dublin would be greatly diminished by

his removal. He trusted that the hon. Member would withdraw his Motion, but if his hon. Friend did not he must vote against it: at the same time, he must say, he was surprised that his hon. Friend the Member for High Wycombe (Captain Bernal), who was one of the gayest Members of the most brilliant Court ever held in Dublin, should have advocated a proposal for abolishing the office of Lord Lieutenant of Ireland.

Mr. *Montesquieu Bellew* thought the subject which was then before the House to be one that they had a right to consider without any party views or considerations whatever. It was in that light that he wished to regard it; and he, therefore, trusted that any hon. Members opposite, who had formed an opinion on the matter, would not be deterred from putting their views before the House, under the impression that they might be supposed to be offering any opposition in so doing to the noble Lord, or to any other portion of Her Majesty's Government in Ireland. As far as he was concerned, he could state that if it had been brought in during the office of the late Administration his vote would have been precisely the same as he intended it should be on the present occasion. The present appeared to him to be, under any Government, a most anomalous state of things. It showed Ireland in the light of a colonial dependency, without, at the same time, possessing the advantage of a colonial legislature. But still, striking as that anomaly appeared, it was useless to think of applying a remedy unless the Government were found prepared to take the subject in hand, and without the expression of public opinion strongly and repeatedly upon it, they could scarcely hope that any Minister of the Crown would be found possessing sufficient public virtue to initiate a measure which must have the effect of depriving him of an important item of patronage. The noble Lord the Secretary for Ireland stated, as one of his arguments against the motion, that Mr. O'Connell was in favour of the continuance of the office of Lord Lieutenant in Ireland; and he confessed he was rather surprised to hear the noble Lord put forward such a ground as a reason for his opposing the Motion. He certainly did not happen to be of the same opinion, as he was disposed to regard the office as a remnant of the dependency of Ireland. He conceived that the object of the Government ought to be to endeavour to do away with every vestige of dependancy in Ireland, by completely identifying that country in all things with England. He was sorry, however, that the noble Lord was doing so very little in effecting the latter object, however anxious he might be to concur with Mr. O'Connell's views with regard to the former. He had taken the trouble of looking over the last debate on the subject, and he perceived that on that occasion the right hon. Baronet opposite (Sir Robert Peel) declared it to be his opinion that Ireland was at that time by no means in a fit state for such a change. That he thought the Local Executive a check upon a country so remote, and he reminded the House that Ireland was an ancient kingdom, which, until late years, had a separate legislature. The present Chancellor of the Exchequer referred on that occasion to the difficulty that existed to the proposed alteration on account of the patronage attached to the office, and the then Secretary for Ireland, Lord Leveson Gower, put forward the argument used by the noble Lord (Lord Eliot) with respect to the mitigation of sentences. With respect to the last objection it would necessarily apply with equal weight to Scotland; and if the argument were applicable to Ireland it would be equally strong in favour of appointing a Lord Lieutenant in Scotland. He never heard the Scotch Members complain of any difficulty or inconvenience in being under the necessity of making their applications in such matters direct to the Home Office. With respect to the question of patronage relied on by the Chancellor of the Exchequer, it was one which unfortunately appeared, in the manner in which it was exercised, to be used but very little according to the desires of the Irish people. The majority of the people of Ireland wished to have none but Irishmen appointed to public offices in that country, but it was well known that that wish was not acted upon. Then came the statement of the right. hon. Baronet the Member for Tamworth, with regard to the remoteness of the country, but it should be recollected that since that time the communication between the two countries was materially improved. That the distance between London and Dublin was

now performed in twenty hours, and would in a few months be reduced to fifteen hours' travelling. That argument had therefore, he considered, very little weight, and he passed from it to the question of the injury that the removal of the Viceroy would cause to Dublin. He was inclined to think that if the money were given to Dublin in some other shape, the absence of the Lord Lieutenant would not be felt as a very great calamity. The hon. and gallant Gentleman who seconded the Motion gave them a pretty good proof that the Viceregal Court was not so extensive and important as some persons might be inclined to suppose; and with regard to the prosperity of Dublin not subsisting without the presence of the Lord Lieutenant, it was he thought absurd. They should recollect that Dublin had many attractions to make it a desirable residence. It had the University, the Courts of Law, the Garrison, and other prominent sources of attraction to induce the higher orders to reside there permanently. As far as the other parts of the country were concerned, he believed the presence of the Queen's representative in Dublin did not make the slightest difference in the world. But for the newspapers, persons in the country would never be aware whether he was at all in the country or not. If the duties of the Lord Lieutenant consisted merely in holding levees and drawing-rooms, they were of very little importance indeed; and if measures for the Government of the country emanated from him, he had no power or opportunity to press their adoption in the Cabinet. If, on the other hand, the Secretary for Ireland originated public measures, he was still in but a subordinate character, not answerable for their execution afterwards. He thought the question of the abolition of the Lord Lieutenancy of Ireland was, on the whole, one well worthy of consideration in that House, and he believed he could assure them that Irishmen of all parties were agreed in thinking that it would be infinitely more for their advantage to have an Irish Executive in that House responsible for its acts and prepared to defend them, instead of as at present eternally referring to Dublin for information on every matter to which the attention of Government was drawn respecting Ireland. He supported the Motion, and he hoped that hon. Members connected with Ireland on the other side of the House, would come forward and declare their opinions in favour of the question, as it was one which he thought pressed equally upon both parties, and which ought to be renewed every Session until Government finally resolved on allowing the evil to be removed.

Sir *R. Peel* thought no hon. Member ought to vote for the Motion of the hon. Gentleman unless he was convinced that the office of Lord Lieutenant should be at once abolished; because nothing would be so unwise as to retain the Lord Lieutenancy, and paralyze its operation by such a vote as that sought for by the hon. Member for Montrose. The power and efficiency of the Lord Lieutenant might be greatly affected if the House of Commons said by its vote that the office ought to be abolished. He should be sorry to express an opinion in favour of the permanent continuance of that office. He thought that the first impression which would present itself to the mind was, that England, Ireland, and Wales, should be governed in the same way. But he should most strongly deprecate any resolution which would weaken the authority of the Lord Lieutenant until they were prepared to establish what they would substitute if they abolished the office. At the same time he thought there were greater difficulties in the way of its abolition than might at first be supposed. As to the patronage which belonged to the office, if that was the only objection, the Government ought not to consider that for a moment. The Church patronage would be all transferred to the First Lord of the Treasury; and it would be more desirable surely for the present and all future Governments, if patronage was the principal object to be sought after, that all patronage should be transferred from Dublin to Downing-street. He was afraid the abolition of the office would tend greatly to encourage absenteeism. A great number of persons now went to Dublin to make application to, and hold conference with, the Executive Government. He would say, do not let any mere question of the expenditure of the Lord Lieutenant's Court in Dublin, deter the House from entering upon the question; but at the same time do not let it be omitted in the consideration of the subject. He feared that one of the effects of adopting this proposition

would be to increase absenteeism, and induce Irish Gentlemen to come to England to transact business more frequently, and for longer periods than at present. The hon. Member suggested that there should be another Secretary of State, who should devote himself to the affairs of Ireland, but this involved several most serious considerations. The abolition of the Lord Lieutenancy would tend to the amalgamation of the Government of the two countries, which would *pro tanto*, be an advantage; but if there was another Secretary of State to whom the affairs of Ireland were to be entrusted, there would be greater division in the Government than there was at present. Taking away the control of Irish affairs from the Secretary for the Home Department, and transferring them to a second Secretary of State for internal affairs, would involve matters of serious consideration. There was great advantage in having one mind to preside over the internal affairs of the whole of the United Kingdom, but if another Secretary of State was appointed it would create great confusion and infinitely greater division than existed at present. It would be remembered that the Lord Lieutenant was a subordinate officer, although certainly he held a high office of great dignity, and he was bound to act upon the instructions which he received from the Secretary of State for the Home Department. For his own part, he entertained objections to the Secretary for Ireland for the time being having a seat in the Cabinet, and similar objections existed to the proposed Secretary of State having a seat in it. His objection rose from the circumstance that he would be necessarily absent for six months in Ireland. This officer, then, as Secretary of State, would be responsible for foreign affairs, although he was absent from the Cabinet Meetings when the usual matters were discussed. Again, how was he competent to form opinions on matters which had long been under discussion in the Cabinet during his absence for six months. He thought to have a Secretary of State who was necessarily absent from the Cabinet during six months of the year would be a great anomaly in the Constitution. During the period, also, that this fourth Secretary of State was in this country who was to administer the affairs of Ireland? The hon. Member said, that he always feared the intrigues of under secretaries and legal advisers in Ireland, who, not being responsible, were always indulging in and exciting local and party feelings, and prejudices. Now, would the hon. Member say, that there was any security against the creation or manifestation of similar conduct during the absence of this fourth Secretary of State? For his own part, he saw what would be the consequence of the absence of this Secretary of State while attending his Parliamentary duties. The hon. Member said that all the inferior offices of the Government should be filled by Irishmen. While the Secretary of State was away, a conflict would arise in Dublin between the different leading men connected with the Government, with the view of obtaining the chief control. This would give rise to endless intrigues and jealousies, and would be productive of the most serious injury to the Government. So far, therefore, from putting an end to the complaints which the hon. Member made against the subordinate officers of the Irish Government, by abolishing the office of Lord Lieutenant, he believed that the grounds for such complaints would be greatly increased. These were conclusive reasons to his mind against the proposition of the hon. Member. It would be the duty of the House and the Government well to consider what it would substitute before they attempted to abolish the office of Lord Lieutenant of Ireland. There was now but one responsible Minister acting under the authority of the Queen for the internal government of the whole of the United Kingdom, and he thought that it would be pregnant with mischief to divide this power. He might here observe, that he did not believe that the office of Secretary of State for the Home Department was ever filled by a person better acquainted with the details of business, or one better qualified to transact the business of his department, than his right hon. Friend near him. It was part of the duty of his right hon. Friend to superintend the legislation for the internal Government of Ireland as well as of England. He admitted that there was often very great difficulty in dealing with Irish questions, to legislate on, not only in consequence of their complexity, but also from the great difficulty that existed in mitigating the opposition that was almost sure to be excited on one side or the other. For instance, there was apparently a simple question to deal with,

namely, the administration of the Grand Jury Laws, and this had been before Parliament for twenty years, and the matter was not yet settled. To revert, however, to the motion of the hon. Member, he felt that the whole question required the most serious consideration before it could be touched, and, above all, he felt that it was a matter with respect to which the feelings of the people of Ireland should be almost unanimous. If there was a strong and preponderating feeling manifested by the people of Ireland, that the abolition of this office was desirable, it would produce great weight in his mind. Hitherto there had been no opportunity offered of getting at the state of public opinion on the subject. He believed that one of the great objections of the people of Ireland to this proposition would be found to be, that it would operate as an inducement of a much larger number of Irish Gentlemen than at present to take up their residence in this metropolis. He repeated that the whole matter required the most extended consideration before he could consent to abolish the office, and, above all, he felt that it was a question of such a nature, that if it was to be dealt with, it should be taken up on the responsibility of the Government. He hoped that in what he had said, he had not shown any strong prejudices on the subject. He admitted the advantages that would result from the unity of Government, but do not let the House of Commons adopt a course which would weaken and paralize the Government in Ireland, and for which they could not substitute a better.

Mr. *Dillon Browne* could not vote for the Motion of the hon. Member for Montrose, as he did not think that he had made out any case in the arguments which he had adduced, which could justify the House in abolishing the office of Lord Lieutenant of Ireland. He denied that there was any analogy between the cases of Scotland and Ireland—he wished that the analogy could be proved. If they would establish in Ireland a policy that would no longer force the people of that country to support a Church in whose religious opinions they did not believe, if they would not continue to force the majority of the Irish people to support the Church of the minority—if they consented to place the people of Ireland in the same position in that respect as the people of Scotland, then he would be willing to give up the office of Lord Lieutenant, with all the emoluments and dignity which belonged to it. He felt that however pure might be the intentions of the hon. Member for Montrose, and of the hon. and gallant Gentleman who had seconded his Motion, their interference would be received with considerable suspicion by the people of Ireland. They would say, "You and your English Government have deprived us of our Parliament—of our aristocracy—of all the great local establishments of our country—you have robbed our Exchequer—you have involved us in the liability for your national debt—you have made us contribute to the support of your naval and all other establishments—you make us support in ostentation an alien church which is discordant to our religious principles, and having done all that, you now endeavour to deprive us of the only remnant of national dignity that you have left us our Lord Lieutenant, because you are obliged to contribute, in some trifling amount, towards the support of his establishment." Now, under existing circumstances, he was rather indifferent as to whether the Lord Lieutenant remained in Ireland or not, as he did not think the pecuniary expenditure in Dublin consequent on his official residence in their Metropolis, at a time when the viceregal munificence was exhibited as in some cases by the giving of a leg of beef at Christmas to their mendicity establishment, was such an advantage as to compensate the people of Ireland for the evil which arose through the pernicious influence of Castle intrigue over the country. It was not sufficient to compensate them for the tampering with trial by Jury, with the purity of the Bench, and with the well administration of justice throughout the land—whether such tampering were the act of the Attorney General or of the most insignificant policeman who suborns to perjury. Though he did not, he would repeat, consider the pecuniary advantage attendant on the residence of the Lord Lieutenant in Dublin sufficient to compensate the country for those evils, still he was an advocate for the existence of a Viceregal Court in the Irish Metropolis, because he thought that under a better system it must be beneficial to the people, when it was controlled by the presence of a local Parliament, and when the atmosphere of the Castle was

purified by a purer air being breathed into it. He was an advocate for a continuance of the office, because, representing as he did the opinions of some 300,000 or 400,000 of the Irish people, he was convinced that his countrymen generally wished to maintain the representative of Government among them—because they wished to have on all occasions an opportunity, when they were well governed, of showing their respect for their Sovereign through the representative, and because he knew that this semblance of loyalty was ever dear to the Irish people, who have always shown themselves to be bound by an affectionate regard to the Throne of these realms if they were but governed in a spirit of fairness and justice.

Mr. *Hume* did not conceive that any reply had been made to the case which he had brought forward, and all his arguments remained sound and unshaken, but under the circumstances he should not press the House to a division.

Motion withdrawn.

Chief Justice Pennefather.] Mr. *Butler* proposed to postpone his Motion respecting an opinion given by this learned Judge when practising as a Counsel, respecting certain bills at Kilkenny until Thursday next, but this was objected to, and the hon. Member pressed to go on. He said, that if it was the wish of the House he would at once proceed with his Motion. He wished to call the attention of the House to some proceedings in which the Chief Justice of the Court of Queen's Bench in Ireland was engaged when practising as a Counsel at the Irish Bar. He felt repugnant to bring forward a public charge against a distinguished character, who, in all the relations of private life, was a most exemplary and respectable man; but if hon. Gentlemen were in the habit of letting their private feelings govern them in matters involving public considerations, they might as well remain at their country houses as come up to that House. He thought that the House had the right to require from him the grounds on which he brought forward his Motion. He would, therefore, at once enter upon his statement with brevity, and he hoped he should explain with clearness the reasons which induced him to believe that the document which formed the subject-matter of his Motion was in existence, and why he called for its production. It appeared that some twenty-five years ago, the Corporation of Kilkenny was at variance with the inhabitants of that City as to certain Tolls which the Corporation levied. They found some difficulty in making the inhabitants pay these Tolls, as the latter believed that the Corporation had no right or authority to demand these Tolls. At that time Mr. Edward Pennefather was an eminent lawyer, and had an extensive practice in the Courts, and he was also connected with the Corporation of Cashel. His family obtained great influence in the County of Tipperary in consequence of their long connection with the Corporation of Cashel. On this account it was probable that the Corporation of Kilkenny, when it determined to consult Counsel, thought it advisable to obtain the opinion of this Gentleman, as they would suppose that he entertained more peculiar sympathies with them in this case than it was probable a more disinterested individual would possess. A case was therefore drawn up and submitted to this learned Gentleman, and a copy of the advice which he gave he held in his hand. That opinion was in favour of the claim of the Corporation. He would now proceed to state the grounds why he had reason to believe that this opinion was still in existence. Soon after this opinion had been given, he was requested by a number of the inhabitants of the City of Kilkenny to stand at the then election as a candidate, on the independant interest, to represent them in Parliament, against that distinguished and eloquent man Mr. Doherty, who was supported by the Corporation. On the termination of the polling, that Gentleman was declared the sitting Member by the Sheriff, and he (Mr. Butler) petitioned against the return. In consequence of this, it was found necessary to obtain the Speaker's warrant to overhaul the papers of the Corporation, and he and some friends of his and his agents proceeded to do so. Amongst the Gentlemen who proceeded to the inspection was an hon. Friend of his who was now the representative of a county in Ireland, and the very first paper which his hon. Friend took up was this opinion of Mr. Pennefather. This paper at the time made some noise, and much surprise was manifested by persons in Kilkenny that a lawyer, of the learned Gentleman's eminence, should have been induced to give such an opinion. It became a subject of general conversation, and much regret was expressed that any learned counsel should have made such a suggestion respecting a

witness. In the course of the late extraordinary State Trials in Ireland, when party feeling was much excited, and observations were made respecting the conduct of the Judges, some Gentlemen recollected the circumstances attending this opinion, and spoke very freely on the subject. In the course of a few days afterwards, what purported to be a copy of this opinion appeared in one of the principal Dublin papers, and two days afterwards it was copied into two of the leading London papers, namely, the *Morning Chronicle* and the *Sun*, both of which subsequently had articles commenting on the subject. He might be told that he should have written to the Lord Chief Justice, to inquire into the correctness of the statement, before he gave notice of his Motion; but he did not do so, for the matter was before the public, and could not be considered of a private nature. If, however, he had taken such a course, and had written to the Lord Chief Justice, he thought that it was probable that the reply which he would have received, would have been to the effect suggested by the hon. Member for Finsbury, in reference to another matter, namely, "what is that to you?" He would now proceed to read to the House a letter which he had received from the mayor of Kilkenny respecting this opinion. It was as follows:—

"My dear Sir—You have, I am sure, seen before this the case and the instructions of the Chief Justice in the Kilkenny corporation affair, as it is now published in all the Irish newspapers, and I suppose will be in the English with comments; but here they are afraid to do it. I long since gave an order for it, as mayor, to the town clerk, and sent to our friend a copy. We hold the original. I hope some noise will be made about it—analogy is most extraordinary with late occurrences."

"To P. S. Butler, esq., M. P.

He would point out what the analogy was. It was the opinion of the people of Ireland, that a Chief Justice who could give such an opinion when he was consulted, as a lawyer, would not be very scrupulous in the administration of justice. He did not state this was his own opinion, but he believed that it was the feeling of the people of Ireland. The paragraph to which he objected had been published in the public journals, and he would proceed to read it to the House:—

"Opinion and Advice.—The proofs that defendants should be prepared to make are—1st, the charter of James I., if the original is enrolled in the Auditor General or Rolls Office. An attested and compared copy should be produced and proved in the usual way; if the original be not enrolled, but amongst the corporation papers, it should be produced; but still a copy of it proved to be such, should be produced for very few can read the original; and if the original be in Latin, a translation, proved to be correct, should be produced.

"N.B.—I advise that a person should be produced to prove that he has made search amongst the corporation papers, the records at the Rolls or Auditor General's Office, and in the Birmingham Tower, for any anterior patent, and that none such has been found. Good care should be taken to employ some one in this search who has never heard of the charter of James II., and wherever he goes to search, that charter should be kept out of his way, for it would greatly embarrass the case, and, in fact, falsify the pleas, which all state, that since the charter of James I. the corporation have held under it; and considering how the charter of James II. has been repudiated, it would not be safe or easy for the corporation to plead they ever accepted or held under it.

* * * *

"It often happens that persons best acquainted with corporation usages and rights are members of the corporation; to render them competent witnesses, they must first be disfranchised. I think, however, I should be disinclined to call as a witness any one acquainted with the charter of James II., or who, at least, is aware that it was ever acted upon.

* * * *

"Edward Pennefather.

"February 28, 1820."

It appeared to him, that had he met with such a document as this, in the novel called *Ten Thousand a Year*, as the production of Messrs. Quirk, Gammon, and Snap, he should have been greatly surprised at such an extreme case of professional sharpness; but he was very much surprised, indeed, when he saw it as having emanated from the Chief Justice of the Queen's Bench in Ireland. It was, in his opinion, very desirable that an authentic copy of the original opinion should be laid before the House, supposing the original document still to be in existence. Having thus stated the facts of the case, he hoped in a manner not offensive to any person, he would conclude with moving for a copy of an opinion and advice given by Mr. Pennefather, the present Chief Justice of the Court of Queen's Bench in Ireland, on the 28th day of February, 1820, in a case

of toll, namely, "Pembroke v. Kingsmill," in which the corporation of Kilkenny was interested, the original of which is in the possession of the present mayor and corporation of the city of Kilkenny.

Lord *Eliot* apprehended that it would be impossible for the House to assent to this Motion. The document required was the opinion confidentially given by a Counsel to his clients, and he would submit, that to call for the public production of such a document was as unprecedented as it would be a dangerous example. And let him call the attention of the House to this point—under what circumstances had the existence of this document been ascertained by the parties referred to. A Speaker's warrant having been given to certain parties, empowering them to examine papers connected with a particular matter, on elections, they make use of it for the purpose of examining documents in no way whatever connected with that matter; and they then apply the information obtained in this manner in a way which the hon. Gentleman had himself stated to the House. Whether the House would lend its sanction to such a proceeding as this, by acceding to the present Motion, remained to be seen. There were Gentlemen present who would more fully explain the circumstances under which this opinion was given, and the grounds for it, than he could; but as he understood the case, it was briefly this:—the Corporation of Kilkenny claimed certain Tolls in right of a Charter granted by James I. James II. issued a subsequent Charter, but this the Corporation repudiated, and had always exercised the rights they possessed under the Charter of James I. A dispute having arisen, Mr. Pennefather was called upon for his opinion, and he advised the Corporation, in order to keep the case clear from the needless embarrassment of having it mixed up with what did not affect it at all, to confine itself to proving the authenticity of the Charter of James I., and to keep clear of the other irrelevant question of the Charter of James II. This was the sole meaning and purpose of his opinion. He (Lord Eliot) would take the opportunity of saying, that even the Chief Justice's political opponents admitted that no man's character stood higher than his, as well for professional skill as for personal honour, and he was, therefore, sorry that the hon. Gentleman should have thought it his duty to bring forward a Motion which at least suggested, if it did not directly make, the charge against the Chief Justice of dishonourable conduct.

Mr. *Shaw* had no fault to find with the manner or language of the hon. Member for Kilkenny, in bringing forward the Motion; on the contrary, he gave him credit for feeling what the hon. Member professed—respect for the high character and professional eminence of Chief Justice Pennefather—but he deprecated the Motion itself, as an unworthy attempt to overawe and defeat justice in an important cause now pending in Ireland. He did not attribute those motives to the hon. Gentleman who had brought it forward, for he was a very new Member, whom he believed did not understand the meaning of the opinion in question, nor the object of those who had placed it under false colouring, and for a malicious purpose, before the public. First, what were the facts of the case? Four and twenty years ago the present Chief Justice, then Mr. Pennefather, practising at the Bar, gave confidential directions for proofs in an action by his clients, the Corporation of Kilkenny, under the following circumstances:—It was an action for tolls, and the Corporation had to prove at the trial the patent under which they held. They, in fact, held under a patent of James I., and had repudiated a patent granted them by James II., and that the same repudiation had occurred frequently, both in Ireland and England, was a matter of history. It was necessary to give formal proof that there was no anterior patent to James I., which, in fact, there was not, and Mr. Pennefather directed that to be proved by a person who was a stranger to the existence of the bad patent of James II., and that the repudiated patent should be kept out of his way, lest his mentioning it on cross-examination should embarrass the case; but it was no part of the proof to be given that there was no charter subsequent to James I. Nor was it intended, as would appear from the opinion, that the witness should give any such evidence, but merely that there was no anterior patent. No counsel would advise a client to produce evidence against himself. He understood from the most eminent men in the profession that they had given similar directions, and considered the direction perfectly correct; that directions of proofs were every day given on the same principle, a familiar example of which was in actions for use and occupation of a house

or premises, where there was a written agreement between the parties unstamped, which, if it came out on cross-examination, would defeat the action, although it was perfectly just that the plaintiff should recover on oral evidence of the occupation, and there it was always directed that the fact of the occupation should be proved by a witness who was not aware of the written agreement. The opinion had been given so long ago, that the Chief Justice could have no recollection whether or not it was in the words stated in the newspapers; but he took no objection to the words themselves. The whole malice lay in the manner in which they were distorted by means of italics, large Roman letters, and false marks—slurring over in small print the two important features to explain the opinion, viz., that it was an anterior patent to James I. the witness was to depose to the non-existence of, and that the subsequent patent of James II., had been repudiated, which could only embarrass the proofs without furthering the ends of justice. The hon. Gentleman who had been put forward on the present occasion, he was persuaded had himself misunderstood the opinion—as nine out of ten persons would on the first reading, from the deceitful way in which it was printed. The hon. Member had, however, the justice to bear testimony to the professional and personal character of the Chief Justice, and he was bold to affirm that at the Bar of either country there never was a higher-minded practitioner than Mr. Edward Pennefather—nor a man more distinguished in every relation of life for the purity and integrity of his conduct. He had himself, when practising at the Irish Bar—now nearly twenty years ago—heard Mr. O'Connell declare, in a case where his conduct had been objected to in the Court by an attorney for taking a brief, as the attorney alleged, improperly against his client—that he would leave the point to the decision of Mr. Pennefather, as the first authority of the Bar upon a question of propriety of practice, and abide by whatever his decision was—and yet that was the man who now, because the papers of the Corporation of Kilkenny had happened to fall into the hands of repealers and political supporters of Mr. O'Connell, was attempted to be run down by them as a low and tricky practitioner—merely because he was presiding at the State Trials now holding in Ireland. He denounced it as a part of a system of intimidation which from the first had been practised in respect of those trials. He would beg permission of the House to read on that subject an extract from a private letter which he had received from Chief Justice Pennefather, and which he hoped the Chief Justice would excuse him for reading, as he thought it important the House and the public should know the fact. It was in the following words:—

"This Motion is in its character quite in keeping with much that has preceded it. I have during the course of these trials since their commencement received letters of violent abuse, and very serious threats and menaces, both towards myself and my family. Public insult has been offered to me in my judicial capacity; but of none of this have I made any complaint: it could have no effect on me in the conscientious discharge of my duty, though I feel the prejudice and injury which are offered to the administration of justice."

He trusted the House would scout the Motion; if they for a moment encouraged it, they would outrage the course of justice; but he defied them to fix a stain—for it was impossible they could—upon the personal character of Mr. Pennefather.

Dr. *Bowring* had taken no part in the Irish discussions, but he could not refrain from expressing an opinion that the right hon. Gentleman had treated his hon. Friend in a most uncandid and most unjustifiable manner. The hon. Gentleman, in the most moderate manner, had simply asked for authentic information upon a point which appeared a very natural subject for inquiry, under the circumstances; yet his Motion was met by the right hon. Gentleman with the most vituperative language, while motives of the most discreditable character were, off hand, ascribed to those who merely required that the truth of the matter should be ascertained. The right hon. Gentleman did not deny that Mr. Pennefather had, in his opinion, advised, at all events, that certain truths should be kept out of the way of a particular witness. A certain document, whether it was repudiated or not by the corporation was not the question, was to be concealed, in the prosecution of a case which yet purported to have for its object the eliciting and declaration of the whole truth. The advice might be prudent advice for a lawyer to give, but if the law

was really to be had recourse to for the investigation and triumph of the truth, if decisions were really to be arrived at by gathering together all the facts, all the truth of the case, then all the truths ought to be brought forward, and there should be no concealment. There was something, indeed, in the noble Lord's objection founded upon the circumstance of this opinion being a confidential document between a counsel and his clients which ought not to be made public, but the abuse and vituperation which the right hon. Gentleman thought proper to indulge, seemed to him (Dr. Bowring) as reprehensible as it was uncalled for.

Mr. *Darby* said, it was impossible that he could remain silent on this subject, having known Chief Justice Pennefather for the whole of his life, and being also connected with him. If the opinion which was the ground of this Motion had borne the interpretation which had been put upon it, he would not have risen in that House to defend it, and he was sure that his own character would lead hon. Members to believe that. At the same time, he must say, that though he had not the honour of knowing the hon. Member who had brought forward this Motion, he knew him sufficiently to be assured, that the hon. Member would not have brought it forward if he did not think that he was justified in doing so. He was desirous to speak on this subject as temperately as possible, but it was impossible to believe—seeing what he saw in the papers—that this subject had been brought forward without some object. The parties who had brought forward this subject were not satisfied with publishing the real opinion, but they introduced part of that opinion in italics, which had so misled him that when he read it he thought it impossible that it could have come from the pen of a man whom, for the whole of his life, he had known as a most honorable man, and to whose character a just tribute had been paid by hon. Members on both sides of the House, and (before those State Trials commenced) by the hon. Member for Cork himself. From the way in which this case had been published in the papers, that which was introduced in italics had led him (Mr. Darby) and others to suppose that what the Corporation were advised to conceal was the anterior document, and which anterior document it now appeared did not exist. Now with respect to the Charter of James II., it was known to exist. It was known that James II. forced Charters on the Corporations, and that these Charters were repudiated. Any one might satisfy himself on this subject by referring to Hume's history. He had the passage in his hand, but he would not trouble the House by reading it. It was well known that the Corporations repudiated these Charters, and that they had never accepted them. Now, with respect to this particular case, the Corporation of Kilkenny pleaded the Charter of James I. The Charter of James II. they had not pleaded. It was a document that had no force, and on which they did not rest their claim. Now what was the advice given? That they should send some person to search the records to give mere formal proof that no patent anterior to that of James I. was in existence. They were advised that they should send some mere formal clerk to make this proof. The advice went to this, that they should not allow that document, the Charter of James II., to be produced; that it was not the document under which they claimed; that it was a document that had no force; and that if they did produce it, some embarrassment might be produced. The Corporation were advised to send a person to give this proof who had not seen the Charter of James II. This advice was perfectly right—it was advice which the Counsel was bound to give, and he would have been guilty of a dereliction of his duty to his clients if he had not given that advice. It should be recollected that they were not advised to keep anything out of view on which the merits of the case depended. The merits of the case depended on the Charter of James I. The Charter of James II. was a piece of waste paper that had no force, and it was right that they should be advised not to produce it, as its production would only embarrass their case. In the way in which the opinion had been published in the newspapers its character was so altered, by dint of italics and capital letters, that he had been totally misled, and when first he saw it, he said at the time, that he did not believe that it was the opinion of Chief Justice Pennefather. When he read further, however, he found that the Charter of James II. had nothing to do with the case; for that the Corporations had repudiated the Charter of James II. was a matter of history. He gave the hon. Member opposite full credit for the spirit and manner in which he had brought forward the case—at the same time that he (Mr. Darby) must say, that it was a monstrous thing,

that at this particular time, when a man had been for fifty years a member of the profession of the Bar, and against whose character not a word had been uttered during that time—it was monstrous that at this particular time the whole course of his professional opinions should be raked through, and that this particular opinion should be raked out of the documents in possession of the Kilkenny Corporation—an opinion which had been given nearly a quarter of a century ago, and then, instead of printing it, as it ought to have been done, fairly according to the original, an attempt was made, by means of italics and capitals, to produce a misconception, and to create a prejudice on the public mind upon the subject. What was meant or intended by doing this it was not for him (Mr. Darby) to say. If this attempt had succeeded, in inflicting dishonour upon anybody, it was not upon Chief Justice Pennefather, but upon those who had dressed up the document, in order to mislead the publict on the subject. If dishonour could fall upon any one it was on those who had so acted, and not on Chief Justice Pennefather, on whose character there was no stain.

Mr. *Maurice O'Connell* said, whatever difference of opinion existed on the matter he believed one thing would be allowed, and that was, that if the opinion were an improper opinion, and recommended an unfair proceeding, or what amounted to the same thing, a *suppressio veri*, that then the length of time that had elapsed since that opinion had been given should be no bar to its being now brought forward. Much stress had been laid on the shape in which the document had been printed, and the hon. Gentleman who had just sat down had gone the length of saying that it had been mutilated and altered, because the printer had thought proper to print a portion of it in a particular sort of character; but the simple answer to that was—let the Motion be agreed to, and then they should see what the document was when it was placed in its entirety before the House. Another objection which was entitled to some weight, though it had not been relied upon very strongly, was, why the subject had not been brought forward earlier? The answer was simply this:—the proper and, perhaps, the most useful time for bringing the document before the House would have been at the elevation of Mr. Pennefather to the Bench, but it should be recollected that at that time the document was in the hands of the same Corporation to whom the opinion had been originally given, and could not be seen or rendered available, so as to authenticate the recollections of those who remembered having seen it in the Corporation papers long before. Last year was the first year that the Municipal Reform Act came into operation in Kilkenny, and until then its documents could not have been seen for any inspection of their papers had been always pertinaciously refused by the former Corporation. Having thus explained the reason why the subject had not been brought forward at an earlier stage, he would next revert to the arguments that had been relied on by hon. Members opposite. In doing so, he would not indulge in the feeling in which the right hon. Gentleman opposite (the Recorder of Dublin) had expressed himself in so uncalled-for a manner, respecting the motives of hon. Members on that side of the House, in bringing forward the present Motion. It was said, that the Charter of James II. was of no avail—that it was worth nothing, and that its concealment did not, therefore, imply any fraud, but if that were so what harm would there be in letting it be seen. If it had not been acknowledged some time or other, where was the necessity for so much ingenuity in putting it out of the way of the person making the search? If it were not acknowledged what harm would have resulted from letting it be produced in Court? But the fact was, the Corporation of Kilkenny had been in the habit of either accepting or repudiating that Charter just as it happened to suit their convenience. They adopted the two Charters for their purpose, and they had the Charter of James I. in one hand, and the Charter of James II. in the other, and they used either, just as they found it to give them some immunity or otherwise, to suit their immediate purpose. In the case in which the opinion in question had been given, it appeared that the Charter of James II. gave an immunity from the toll, while the Charter of James I. gave, as they alleged, the right to the toll, and it was on that account, that the Charter of James II. was advised to be kept out of the way. That the concealment of the late Charter was a material point in this case was evident from the words of the opinion, for it directed that "Good care should be taken

to employ some one in this search who had never heard of the Charter of James II., and wherever he goes to search, it, therefore, should be kept out of his way, for it would greatly embarrass the case, and, in fact, falsify the pleas." Now, if these pleas were false and wrong pleas, was it not clear that the ends of justice required they should be exposed, as they would be by the production of the Charter of James II., or by evidence of that Charter having been acted under, and were not the ends of justice, therefore, defeated by the concealment of that Charter? He would ask, what should be the opinion of the character of the man who would advise deliberately that a document of that material nature should be withheld. If it were in the power of the Corporation to produce—if it had been a document in their archives, they might be to some extent excusable for not producing it against themselves; but where the search was to take place, not amongst the documents in the keeping of the Corporation, but where the person to make the search was to go to public records, to the Auditor General's Office, to the Office of the Rolls, and among the national documents in Birmingham Tower, where the records of Ireland are preserved for public inspection, what is to be thought of the man who could recommend that a direct falsification of that search, and an abstraction of a public document from those records should be made, and that, too, in favour of a title to which it would appear the Corporation had no sort of right whatever? And yet was not such the fact? Would hon. Gentlemen tell him that a lawyer was to be justified in advising that in a case where it would appear a party had made two wills, the later will was to be abstracted from the public office where it was properly kept in order that the plea of a party holding under an antecedent will should not be injured? If they considered the parity of the two cases, what difference would they find between them, except that in the case before them it was not merely private paper, but a public document that was to be extracted from the repository of the archives of the country which the wisdom of the law orders is to be open for the inspection of every individual, and it was from such a repository that the Charter in question was to be filched and abstracted. The right hon. Recorder had, to be sure, told them what his own experience was while he was practising as a Barrister.—[Mr. Shaw—I said nothing at all about it.]—He did not intend to insinuate anything derogatory to the practice of the right hon. Gentleman opposite. He had, at all events, told them that he had consulted Irish Barristers of extensive practise, and that they, the leaders of the profession in Ireland, had given it as their opinion, that such conduct as that of Mr. Pennefather was quite a customary matter. He would be glad to know who the eminent lawyers were that gave that opinion, though perhaps that was a question the right hon. and learned Recorder could not answer there. He might be regarded as not being a perfectly fair witness on the matter, and after the charge made by the learned Recorder against hon. Members on that side of the House, he supposed he was not considered a fair witness in the case; but as far as his opinion would be taken, he would say, that from what he knew of the Irish Bar—and he had the honour of being a Member of it himself, though his practice might not be as extensive as that of the right hon. Recorder—he had heard but one opinion expressed on the subject, and that was surprise and astonishment that a man with such a professional character as Mr. Pennefather had always borne, could have given such an opinion, and it was attributed to one of those weaknesses which at particular moments may triumph over the best of us. There appeared to be a general wish to pass it over in charitable silence; but as far as his acquaintance with the Irish Bar went—and it was pretty extensive—the universal feeling appeared to be against any Barrister advising such practices? He believed that farther matter might be even adduced of another Member of the Irish Bar, who had been consulted on that occasion, and who refused to give an opinion containing any direction on the subject, considering it derogatory to his professional character to do so. It was at least so stated to him, and he was told that the fact could be substantiated by the production of the document. It was mentioned in a Kilkenny newspaper twenty years ago, and was spoken of lately in the hall of the Four Courts in Dublin, on quite as good authority as the learned Recorder could produce to substantiate his assertions.—After the opposition that had been given

to the Motion, he of course would advise his hon. Friend not to press it to a division. He would do so because, in the first place, they would be sure to be defeated, which was always a good reason for not going to a division: and secondly, because he perceived that the feeling of the House was opposed to them. He was not frequently in the habit of troubling the House by any observations but he felt that he should not remain silent after the observations of the learned Recorder and the hon. Gentleman who had last sat down. They wished to make it appear that the attempt to conceal the Charter of James the Second was a trifling matter of ordinary occurrence, recommended lest it might perhaps embarrass the case, but they had the opinion itself, stating that the production of the Charter would entirely falsify the pleas, and they had also the fact of one person being put upon his oath in a Court of Justice, swearing solemnly to tell the truth, the whole truth, and nothing but the truth, while he was led by the advice of his counsel into something approaching to perjury, in swearing to the non-existence of a document that had been purposely removed from his view.

Mr. *B. Escott* believed the hon. Member opposite misunderstood the position in which the case really stood. Nothing was more common or more necessary in courts of law, than to object to the introduction of matter which was not material to the case, or which was altogether irrelevant. He would admit, that nothing could be more improper than for counsel to advise, under pretence of searching for evidence, to keep it out of the way, and, yet pretend that search was made for it. This was not the case as regarded the subject before them, for there was no desire to keep any evidence applicable to the case out of the way. The question was, as to whether there was any charter anterior to that of James I., under which the Corporation of Kilkenny had acted. It was quite a different thing to keep out of the way a document which was altogether immaterial to the case, in order that it might not be encumbered with unnecessary evidence. The witness was to search for a charter anterior to the charter of James I., and there was no allegation that any advice was given to keep any such document out of the way if it existed. The whole question, then, turned on the word anterior, and it was not stated that there was any interference with the witness in searching for any such document. The impression which the hon. Member who spoke last appeared desirous to make was, that evidence which was really material had been kept out of the way when the witness was directed to search for it.

Mr. *Dillon Browne* repelled, on the part of the hon. Gentlemen who supported the Motion, the imputation of the right hon. Recorder that it was brought forward and supported for the purpose of intimidation. He never saw the Motion until that night, and yet he would support it, because it contained an allegation against an individual holding a very high position, the truth of which allegation it was most important for the public to have investigated. Under the circumstances, however favourable he might be to the Motion, he would not advise his Friend to press it to a division.

Mr. *Blewitt* was unfortunately not in the House at the commencement of the discussion, but what he had heard since he came in was most astounding. It would appear that counsel had advised getting up a surreptitious case. It was quite evident that directions had been given to have a certain important charter kept out of the way, and was not that evidently an attempt to disguise the truth? [Mr. *Shaw*: You did not read all the case.] He had read the case attentively, and he would say, whatever hon. Members opposite might think of it, that a more disgraceful or disgusting case never came within his observation in connection with any counsel.

Mr. *M. J. O'Connell* said, the right hon. Recorder appeared to take the chance of the hon. Member (Mr. Blewitt) not having read all the case when he charged him with not having been acquainted with the whole of it. In his opinion, the case ought to be laid fully before the public, in order that they might be able to form an impartial opinion on the subject. That discussion would go before the public, and they would thus have practically as good an opportunity of judging of it as if the advice and opinion were formally laid before the House. He did not think that the right hon. Recorder had done Chief Justice Pennefather much good by reading that letter, for if ever there was an act which might be called dangerous and indiscreet on the part of a friend, it was reading that letter. It might have done

very well for the Operative Conservative Society, in Dublin, but it was not so well adapted for being produced here.

Mr. *Shaw* explained. When the hon. Member for Monmouth alluded to an extract only from the account of the case which had been published, he thought he had not read it all, as, if he had, that he would not have alluded to one portion of it alone.

Mr. *F. French* had come down to the House for the purpose of supporting the Motion; but he had been misled by the mode in which the document had been printed in italics; and he must say, the explanation he had heard was perfectly satisfactory.

Motion negatived.

House adjourned at half-past nine o'clock.

HOUSE OF LORDS,

Friday, May 10, 1844.

Minutes.] Bills. *Public.*—3ª. and passed: — Night Poaching Prevention.

Received the Royal Assent.—Exchequer Bills; International Copyright; Dean Forest Encroachments.

Private.—1ª. Blackburn and Preston Railway; Northern and Eastern (Newport Deviation) Railway.

2ª. York and Scarborough Railway; Pontop and South Shields Railway; Newcastle and Darlington Junction Railway and Tyne Bridge.

3ª. and passed:—Furness Railway; Leeds and Selby Railway Purchase; Northern Coal Mining Company; New British Iron Company.

Received the Royal Assent.—Bolton and Preston Railway; Great Western Railway; Norwich and Brandon Railway; Guildford Junction Railway; Eastern Counties Railway; Manchester and Leeds Railway; Yarmouth and Norwich Railway; Manchester and Birmingham Railway (Macclesfield and Poynton Branch); Midland Railways Consolidation; Severn Navigation; Beccles Navigation; Birmingham Canal Navigation; Edinburgh Cattle Market; Glossop Market; Edinburgh Poor Assessment; Rochdale Gas; Liverpool New Gas and Coke Company; Durham County Coal Company; Bow Brickhill Estate; Brandes Burton Inclosure; Schuster's Naturalization; Dowager Lady Nugent's Naturalization; Lascaridi's Naturalization; Spartali's Naturalization; Cababe's Naturalization.

Petitions Presented. From Middle Holderness, and numerous other places, for Protection to Agriculture.—From Crieve, and several other places, against Dissenters Chapels Bill.—From Kilmore, and 4 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Gloucester, and a great number of other places, against the Union of St. Asaph and Bangor.

Duty on Foreign Wool.] The Duke of *Richmond* said, that he rose in consequence of the notice which he had given for a return relative to the importation of Foreign Wool, with a view to obtain information on the subject, in order that the House might be in a condition to come to an accurate conclusion in reference to it. Their Lordships would not be surprised that he was anxious that information should be afforded on the subject, when they remembered that a reduction of the duty on Foreign Wool was likely soon to come under their Lordships' consideration. It was not his intention on the present occasion to go into a full consideration of the question; indeed, he was not qualified to do so, because information was wanting, which it was his intention to have supplied by the Motion which he was about to make, and to the production of which he understood no objection whatever would be urged by Her Majesty's Government. Their Lordships would recollect that a Select Committee of the House was appointed in the Session of 1828, at his suggestion, to inquire into the state of the woollen trade, when he had given his opinion that the reduction of the duty on Foreign Wool imported, from 6d. per lb. to 1½d. per lb. had operated most injuriously to the flock-masters of England, particularly to those who had breeds of Southdown and short-wool sheep. He was not going to call their Lordships' attention to the details of the Wool-trade; but he certainly thought the proposed measure a bad one. He deprecated it also on another ground—viz., because it was another step taken towards free-trade [Lord *Kinnaird*: "Hear, hear."] The noble Lord cheered that sentiment, probably because the noble Lord had presided over a meeting of the Anti-Corn Law League at Covent-garden Theatre. If the measure to which he (the Duke of Richmond) had alluded had not affected the flock-masters, he should not have given it his sanction; because, as he had already intimated, he viewed it as another step taken in the wrong direction—a step towards free-trade. Their Lordships were aware of the distress which prevailed in our Australian colonies and how important, it was, that they should have protection and encouragement given to their growth of Wool. Now as the German Wool was of a similar quality to that grown in Australia, and if they took off the duty of 1d. per lb. the latter Wool could not compete with it, consequently much injury would be done to the Wool-grower of Australia. He was very desirous of hearing from the noble Lord opposite, the Vice President of the Board of Trade, whether Her Majesty's Government still retained the intention of reducing these duties, and whether before

the proposition was made respecting the removal of the duty on Foreign Wool, communications passed between her Majesty's Ministers and the foreign Governments likely to be benefited by the measure. He would wish to know whether the Austrian Government were prepared to let in the wools and woollen fabrics of this country into theirs, upon the same rates and on the same conditions as we were preparing to let their wools come into this country? Was that Government prepared to allow our long wools to enter the Austrian territories upon conditions of a similar character? He would also wish to know whether any communication had been had with the French Government to the effect that if we reduced the duty on their wool which came to this country, they were disposed to give us an equivalent by lowering the duties on our manufactured goods? He was not a free trader, and he trusted never would become one; but those who talked of free-trade should do their utmost to place the people of England in the same situation as that in which they placed foreigners. If they permitted the foreigner to bring in his wool into this country free of duty, he wished to be allowed to do the same abroad. He was anxious to learn whether any such arrangement had been made with Foreign Powers, for it was within the memory of most of them that when the sixpenny duty was reduced to a duty of a penny per pound, the United States put on a higher scale of tariffs on our goods, and he much feared that if his noble Friend was not prepared to say, that her Majesty's Government had entered into some arrangement with Foreign Powers, the same results would attend the abolition of the duty on importation as now proposed. The noble Duke concluded by moving for the return. He very much feared that by the removal of the present duty on Foreign Wool brought into this country, it would operate most injuriously upon the English flock-master, and that the same results would accompany it as had accompanied the reduction of the duty of 6d. per pound to 1½d. with respect to the United States of America, for no sooner, had that duty been thus reduced than they laid an additional duty upon our Wool exported. What he was anxious to have laid upon their Lordships' Table was a return of the quantity of Wool imported since the year 1815, stating the quantity imported each year, and distinguishing that which was imported from our colonial possession from that imported from foreign countries; likewise an account of the woollen rags, imported for the last five years from foreign countries, specifying how much was imported for manufacturing purposes, and how much for manure.

The Earl of *Dalhousie* said, that it was not his intention to offer any opposition to the return which the noble Duke had moved for. He had some difficulty in deciding what course to pursue after the observations of the noble Duke. In the first place, he would answer the questions the noble Duke had put to him: the noble Duke asked whether it was still the intention of the Government to reduce the Duty upon Wool, and whether before they came to the determination they had had any communication with Foreign Governments with respect to their intention of removing the duties at present existing on the introduction of our Wool and fabrics into their respective countries. He (the Earl of Dalhousie) could not say whether any such communication as that referred to by the noble Duke, had taken place between the Government and foreign countries on the subject of the proposed reduction. In the office with which he was connected he could find no official papers having reference to such a communication, and he was not aware whether the other departments of the Government had entered into any such; but this he would say, that whether a communication had or had not taken place, and whether foreign nations had or had not come to an understanding with the British Government on the subject of the reduction of duty, the question to which the noble Duke had directed the attention of the House would not be the least affected. That question must stand upon its own merits. The noble Duke had referred to the Committee which sat in 1828 on the effect of the reduction of the Duty on Wool in 1824. It was stated before that Committee that the depression of the Wool-masters and the low price of Wool which existed at that period could not be traced to the removal or rather to the reduction of the duty upon Wool. He was unwilling at that moment to enter upon the consideration of the question mooted by the noble Duke. When the noble Duke brought forward a Motion on the subject of the Wool Duties, he should be prepared to

argue the question at length. He would then justify the course which Her Majesty's Government had thought it their duty to take with regard to the reduction of the Duty upon Wool. But as the noble Duke expressed an unwillingness now to open the question, he (the Earl of Dalhousie) should defer what observations he had to make until the subject came regularly and formally before the House. He must, however, again state that the depression in the Wool Trade, referred to by the noble Duke, was not caused by the alteration in the duty. It was stated before the Select Committee appointed on the subject, that the depression was the result of the high prices which the English manufacturer placed upon his goods, which rendered us unable to compete with the foreign manufacturer who had no duty to pay. In consequence of the increase of price our goods became unsaleable. Our manufacturer therefore contracted his operations, and there being no longer any orders for Foreign Wool, there was consequently a decrease in the demand for British woollens, and with that decrease there was naturally a fall in price. He would mention a curious fact in illustration of this. He had lately had a communication with Mr. Bishop, a Gentleman well known in connexion with the Wool Trade, and from whom he learned that when the duty was raised in 1819, he knew a nobleman who was a large grower of Wool. That nobleman informed Mr. Bishop that he would not sell his wool at 2*s.* 6*d.* per pound, but would keep it until next year, when he should be able to get 3*s.* for it. Mr. Bishop, however, told him that if he kept it for one year, the price, instead of being raised by the duty, would be lowered, and instead of 2*s.* 6*d.* he would get no more than 1*s.* 6*d.* for it, and if he kept it for two years he would get no more than 1*s.* The nobleman had kept his wool for three years, as the prices were going down, and at last he sold his Wool for 9*d.* per pound. The clothing trade had never recovered the blow which it received in 1819. Her Majesty's Government thought that they could relieve this branch of trade without injuring any previously existing interest in the country, and that being their opinion, they felt bound to propose this measure. If his noble Friend, after obtaining these returns, should think proper to bring the subject again before the House, he (the Earl of Dalhousie) should be ready to make good, by facts and figures, the case which he had now very imperfectly stated to their Lordships. With respect to the allusion which had been made to free trade, he would only say that he thought they had better confine their attention to the subject which they had in hand at the present moment. If his noble Friend should make a Motion on the subject of the general commercial policy of the Government, he would be quite ready to bear his part in that discussion.

Lord *Brougham* said, he could show, by referring to returns before Parliament, the pernicious effect of increasing the duty on Wool imported. Taking the average of the two years before the additional duty was imposed, and comparing it with the average of the five years it continued, viz., from 1819 to 1824, he found that the returns stated the amount to be thus:—the average of the two years, viz. in 1817 and 1818, showed the quantity of Wool imported to be 7,650,000lbs., whilst the average of the succeeding five years was 6,000,000lbs., that being a difference of 1,650,000lbs. Then, as regarded the value—the average of the two years, 1817 and 1818, the price was 25*d.* per lb., and the average of the five years succeeding was only 15*d.* a lb. This was with respect to the South Down Wool; but the average of the Kent Long Wool for the two years was 20*d.* a lb., and the average of the next five years it was only 13*d.* Then as to the Highland Wool, the average price of the same two years, 1817 and 1818, was 30*s.* the double stone; but the average price of the five years following it was not 30*s.*, but only 15*s.* or a diminution in price of one-half.

Lord *Beaumont* said, he did not consider the Duties on Wool in the same light as the duties, called protecting duties, on other articles of agricultural produce; and he had no hesitation in saying, that many of the most sincere friends of agriculture concurred in that opinion. After what had fallen from the noble Vice President of the Board of Trade, he (Lord Beaumont) did not intend to enter at length into the subject, but if it had been advisable to do so, he must have found it necessary to divide the subject into different heads, and consider what effect the proposed alteration would have on each distinct portion of the subject? He must have considered Long Wools and Short Wools separately; and, again, as regarded

manufactured articles, worsteds and woollen cloths separately. He could show that a great portion of the Wool imported did not come in competition with British Wool, and that some even came in assistance to English Wools. As to the Long-Wool growers, he considered them totally out of the question, for the Long or Combing Wool was no ways interfered with by the foreign, and the export of Long Wool and Worsteds was gradually increasing. A quantity was sent to Belgium, and the growers would therefore gain on one hand by the removal of the 1*s.* duty on the export, while on the other they would not be affected by the removal of the 1*d.* per lb. duty on the import. This, therefore, would not be considered as an injury to the Long-Wool growers. He (Lord Beaumont) was glad to see the noble Duke signify his assent to that assertion. As to Short Wool, none of it entered into the manufacture of the finer cloths; they were made of Foreign and Colonial Wool, and therefore there was no competition as far as the finest Wool was concerned. Now the returns to the House of Commons showed that in the last year 17,736,388 lbs. had paid the penny duty, and only 7,804,918 lbs. the half-penny duty. Putting, therefore, the larger amount aside as fine Wools used in fine cloth, he would look on the Wools that had paid a half-penny duty as the only ones which would come in contact with the British. Now these low Wools were mixed with British, and if it were profitable to use them only, without mixing, the halfpenny would not be a sufficient protection to prevent the manufacturers from doing so. An additional halfpenny on fourpenny Wools was no protection, if the prices of English Short Wool quoted were correct. But he believed, that as the mixture was most profitable to the manufacturer of carpets, &c., he thought that the only effect of the removal of all duty would be to lower the price of the manufactured article, but not deter the manufacturer from giving the price he now did for the British fleece. With these convictions he thought that the agricultural interest should not oppose the proposal, but when they could without injuring themselves grant a boon to the manufacturer, that they were bound to do so. He therefore approved of the measure, which he would not have done if he thought it interfered or departed from the great principle of protection.

Lord *Kinnaird* said, the noble Duke on the cross-bench (the Duke of Richmond) had intimated that he considered the proposal of the Government on the subject of the Duty on Wool a step towards the adoption of the system of free-trade. He (Lord Kinnaird) thought that the supporters of the protective system might blame themselves, at least in some measure, for this. He was informed, that at the commencement of the present Session, a considerable number of the supporters of that party had an interview with the right hon. Baronet at the head of Her Majesty's Government, with the view of obtaining a promise that no alteration should be made in the Corn Laws. He understood that the right hon. Gentleman would not agree to give any pledge of that nature; but that he (Sir R. Peel) promised, that during the existence of the present Parliament, no measure should be introduced by the Government for the alteration of the Corn Laws, nor any measure affecting the interests of the Irish Church. In 1825, the price of Wool rose, but it was soon brought down by the commercial distress which followed, and became as low as 7*d.* a lb. At this period the imports of this article did not exceed twenty-one millions of lbs., but when trade revived the prices of Wool increased, and although the imports amounted to sixty-four millions and upwards of lbs., prices which had, as he had before stated, been 7*d.*, rose to 1*s.* 6*d.* the lb. This fact proved the correctness of his argument, but, for his own part, he regarded the fears of the noble Duke as simply chimerical. It was the coarser Wools, those received from South America, that would be chiefly affected by the 1*d.* duty, because, in point of fact, on these Wools the duty would be equal to 3*d.* What the noble Duke really feared were the Wools of Austria, but although there might be a considerable amount of Austrian Wool imported, it should be recollected that we exported a large quantity of worsted yarn into that country. He contended, therefore, that it was not the amount of the Wool imported so much as the prosperity of trade generally which affected the price of that article, and that when trade was prosperous, and the labouring classes could consume the most of that species of manufacture, prices were highest. He might observe that, when the price of Wool had been low, the price of corn had

been high. For instance, in 1829, when the price of Wool was 7*d.* per pound, corn was 75*s.* per quarter. It was, in short, with Wool as with corn and all other articles of the kind; and he thought the operation of the Tariff proved the groundlessness of the noble Duke's fears. He considered that the fears of the agriculturists were chimerical and unfounded. Their Lordships would remember that, when the new Tariff was adopted, great fears were entertained by the agriculturists as to the importation of cattle. The Tariff came into operation in July, 1842, and during the remaining five months of that year the number of cattle imported was 7,000; but during 1843 only 2,000 cattle were imported. The defenders of the citadel of monopoly comprised only one-tenth of the population of this country, and the opinions they maintained were directly contrary to those of the remaining nine-tenths of the people.

The Duke of *Richmond* said, that the "citadel of monopoly" might be a very theatrical expression, and although it might produce an effect elsewhere, it was not likely to have any influence in that House. He did not believe that any deputation from the Protection-to-Agriculture Association had ever gone to Sir Robert Peel; nor could he, for one instant, conceive it possible that any one could for a moment believe that they had an assurance from Sir Robert Peel that neither corn, wool, nor the Irish Church would be interfered with. [Lord *Kinnaird*: I did not say they were Protectionists who went up, neither did I say one word about Wool.] Considering the character and the caution of the right hon. Baronet at the head of the Government, no man out of Covent Garden Theatre could believe such a story; it was clearly carrying things a great deal too far. The argument of the noble Lord, that when the price of corn was high Wool was low, refuted his own object: it proved that free-trade principles were not so good as the noble Lord and many of his friends asserted, because, if his argument were well founded, a high price for corn was not so bad a thing as he wished their Lordships to believe. However, he could not say that 75*s.* was not too high a price for corn: he thought it was considerably too high. The noble Lord referred to the predictions which had been expressed in reference to the Tariff. No one expected that during the first two or three years there would be a large importation of foreign cattle, and for a very sufficient reason that foreign countries had not a large quantity of cattle to export. When, however, they found our ports thrown open to them, it would be otherwise; and although up to the present time the English markets had been able to maintain their position in supplying salt meat to the men-of-war, it was impossible to tell how long this would last. On many points of the Tariff, he and those who thought with him had been right, as had been proved by subsequent events. For instance, in regard to salmon, they were told that salmon could not come from abroad into our markets in such quantities as to have any effect upon the price. But what had been the result? He (the Duke of Richmond) had a large salmon fishery, which he had let at 8,000*l.* per annum, upon a lease, seven years of which were unexpired at the passing of the Tariff; and when, on the passing of the Tariff, he proposed that those of his tenants who felt dissatisfied with their holdings might give up their leases, the party who held the salmon fishery applied to have his contract rescinded, and said, "I hear that you have given up the leases of the farmers upon your estates because of the alteration in the Corn Laws. Will you do the same with me now that salmon are not protected?" He complied with his request, and what was the result? Why, that after a considerable lapse of time he was obliged at length to let it to another party at a sacrifice of 2,000*l.* a-year. When the Tariff was before the House they were told that it would do no mischief—they had now had experience of its working, and he said it had done no good, and had been productive of a very great deal of mischief. The noble Lord said, he (the Duke) objected to the reduction of the duty because it was a step towards free-trade. He had said so, and he wanted these returns in order that he might have information of what had been the effect upon a former reduction. He was obliged to the noble Vice-President of the Board of Trade for favouring him with the prices of Wools—whence he got them, he (the Duke of Richmond) did not know, but probably he would not object to his altering the Motion in such a manner that the prices might be furnished to the House

along with the other returns. With respect to the argument of his noble and learned Friend (Lord Brougham) he must say that his noble and learned Friend was in error, the duty on Wool was not taken off in 1824, they did not come to the 1*d.* duty until 1825. [Lord *Brougham* did not think his statement affected by what had fallen from his noble Friend.] As the duty had not been taken off, the deductions of his noble and learned Friend were not borne out. He was afraid the Measure would injure the trade of our Anstralian Colonies, but he disliked it principally because it was a step towards free-trade.

The Earl of *Dalhousie* begged to inform the noble Duke that he got the prices from the place where prices were usually obtained—he got them from the market and the Wool-brokers there employed. They were not official, and therefore he did not know whether they could be laid on the Table, but they were open to the noble Duke or any one of their Lordships who chose to look at them.

Lord *Monteagle* considered, that with a large surplus to apply to the reduction of duties, the Government could not have made a more useful or a better reduction than of the Duty upon Wool. In opposition to the noble Duke upon the Cross Benches, he felt constrained to say, that he liked the Measure the more because it involved and led to an approximation to the principles of free-trade; and at the same time, he must take the opportunity of denying, that the agricultural interest could ever be injured by an extension of those principles. He must remind the House that the Government were acting upon no new discovery; in point of fact, the principles upon which they were now acting in respect of Wool were as old as the time of Lord Bathurst, and even then the arrangement met with the support of the noble Duke opposite. The Government of that day was pledged to come to that point when all import and all export duties should cease. The noble Lord, the President of the Council, must have been well aware of that fact when he sat in the other House as the representative of Yorkshire. He was sorry to hear that any one had been a loser by the reduction of the duty upon salmon; but there was one consolation under the circumstances, and it was this, that the mass of the people who were eaters of salmon must have been benefited by the reduction, and they were a much more numerous class than the proprietors of salmon fishings; therefore, as good had been done, he hoped the observations of the noble Duke would not disincline them towards the Tariff. If steps of this sort were not taken, in what position would our manufacturers be placed? They were first of all burthened with protective duties—they were hampered with a hostile system of Corn Laws which raised the price of bread upon them, and now their labour was about to be restricted, they were clogged with those three burthens, yet they were expected to run a race with those who had nothing to carry. If their Lordships were to weigh the manufacturing interest with the protective system of duties, a fair balance would prove that looking simply at what all desired, agricultural improvement and prosperity, and nothing beyond it, they would not hesitate to prefer the natural protection, which was freedom of trade, to the protection afforded by the protective system, which was frequently only groping in the dark.

Motion agreed to.

PUBLIC WORKS (IRELAND).] Lord *Cloncurry* rose to move the appointment of a Select Committee on the subject of Public Works and proposed Territorial Improvements in Ireland, founded on Reports presented to Parliament and the Government, particularly on the subjects of Railroads and Drainage, with a view to the more effectual development of the resources of that country by a well-considered and economical application of labour. It would be in the recollection of their Lordships that a few years ago a Commission was appointed, which made a most able Report on the subject of Railroads in Ireland, yet to this day the question had been suffered to lie over, without any attempt being made to give effect to its recommendations. This was so far an advantage, that the present moment was now more propitious for carrying the plan into execution than was the time at which it was originally proposed, from the advanced state of science and the abundance of mechanical means. But the Railroad Report was not the only one which ought to induce their Lordships to take the state of that country in

respect to Public Works into their most serious consideration. A Commission had been issued years ago, to consider the subject of Inland Navigation; another was appointed to inquire into the practicability of draining the Bogs; and the Commission appointed to inquire into the working of the Poor Laws had, in the Report which they made, strongly insisted on the advantages of executing an extensive system of Public Works. Every one of these Commissions suggested plans which might have been carried out to the great benefit of Ireland, the prevention of that misery and agitation now so prevalent in that country, and the promotion of industry in general. The Drainage Commissioners suggested a method of draining nearly 3,000,000 acres of the best land in Ireland, now, unfortunately, left unproductive for want of a general system. Had their recommendations been adopted, the making of the drains would have furnished employment to a great proportion of the labouring population, who had remained entirely idle, and the expense would have been paid, as was calculated in the Commissioners' Report, some of it in three years, and the greater part of it in seven years. Another Commission recommended the construction of certain harbours and ports in Ireland. Some small matter was done in that respect, but they were formed on so bad a plan that at this moment there was hardly a vestige of them remaining in any part of Ireland. It was time that such works should be again undertaken; their execution would furnish more useful employment for the resources of the country than any other which could be pointed out. The want of employment was the only thing that produced discontent and disaffection among the people. It was chiefly from the absence of the great proprietors that that want of employment arose. The sum of money abstracted from Ireland in the course of the year in the shape of absentee rents did not fall short of the sum of 6,000,000*l.* sterling; an immense portion of its floating capital was also drawn from the country in the shape of taxes. If a part of this amount were restored to the country, for the employment of the population in the construction of public works, it would be amply repaid to this country, and would keep the people of Ireland from listening to the doctrines of political agitators. At the time of the Union, while a large sum of money was applied to the purchase of parliamentary boroughs, a sum of 500,000*l.* was given as a kind of tub to the whale, being vested in the hands of Commissioners for the construction of a system of Inland Navigation, an object at that time very much wanted. This money, however, was vested in the hands of gentlemen who were not acquainted with the subject, nor accustomed to the calculations which were required; and the consequence was, that there were now in the whole of Ireland not more than 300 miles of canals, of which there were 200 running parallel to each other, both connected with the Shannon Navigation. The proprietors of one of these, in consequence of the manner in which money had been misapplied, became bankrupt; the stock of the other fell from 110 to 5 or 6, and was now only at 15 or 16 per cent. Another example of the manner in which Public Works were managed in Ireland, was to be found in the harbour of Kingstown, which had been in progress for thirty-one years, and cost 700,000*l.* This was an undertaking which was equally desirable to the interests of both countries, being calculated to benefit England as well as Ireland. Formerly large sums were granted and the Works rapidly advanced; but of late years only 6,000*l.* or 7,000*l.* had been granted by Parliament. The consequence was, that the Works cost a vast deal more in this way than if a sufficient sum were granted at once: what was done in summer was destroyed in winter, and ships were wrecked in the harbour. Again, it was a most desirable object to improve the navigation of the Shannon; that river now formed the great main drain of the Bogs of Ireland; some part of its course was, in fact, rather a chain of lakes than anything else. The improvement of the Navigation was put into the hands of Commissioners, but no sufficient means to effect this object were granted, though they were endeavouring to make the river navigable for small steam-boats. At present the Shannon, during great part of the year, flowed up its tributary streams, instead of receiving them, choking them up with soil, and altogether it was in a state of utter inutility, doing great mischief to the country. There was also a want of well-constructed bridges; the bridge built at Portumna was but ten feet broad, so that to allow of a carriage-way of that width, two outriggers

or footpaths projecting beyond the bridge on each side had to be constructed. If works were constructed in this way, it would be better that they should not be done at all. With respect to the change effected by the Poor Law, it was well-known that the number of beggars in the country was now greater than ever, and the only hope of employing the multitudes of idle hands was by finding work for them in the method he was endeavouring to point out. About three years ago a company of Gentlemen was proposed to carry into effect the Works recommended by the different Boards of Commissioners; to form the company a Bill was brought into the House of Commons by Mr. Brownlow, now Lord Lurgan. It was read a first time, when the Chancellor of the Exchequer said there was an informality in the Bill, and that the better way would be to withdraw it, in order that a Ministerial Measure might be introduced in the following year. This was twenty-two years ago, and nothing had been done in the matter from that time down to the present day. It was not to be wondered at that the lower classes of Ireland, living in perpetual idleness and misery, should be disorderly and ready to lend an ear to agitators; when they came over to England in search of work, they were generally sober, honest, and industrious. Nothing could make a country happy or prosperous in which one-third of the population lived in continual wretchedness. A noble Duke and other noble Lords had that night talked of the mischief which might be caused to this country by a slight alteration in the duty on wool; whilst, in Ireland, the wool trade had been long ago destroyed, and the growth of tobacco had been prohibited. He had known in Ireland ground, bought as bog at 1*d.* per acre, costing 1*s.* 8*d.*, which was set by the purchaser at 20*s.* a-year. It was said that if the bogs were drained, what would the people do for fuel? But the bogs were not fit for fuel till they were drained. He hoped that 5,000,000*l.* or 10,000,000*l.* would not be thought too much for the great object of improving Ireland, but if 20,000,000*l.* were granted it would be abundantly repaid. It had hitherto been the policy of England to discourage every attempt at domestic industry in Ireland; her woollen manufactures had been entirely destroyed, and the exportation of wool prohibited. He was confident that if the House would assent to his Motion the greatest advantage would be derived from the inquiries of a Committee.

The Duke of *Wellington*: My Lords, in the few words which I feel it to be my duty to address to your Lordships, I shall confine myself rather to the Motion made by the noble Lord, than to the general matter of his speech. It would be impossible for me, on a Motion of this description—the appointment of a Select Committee—to advert to all the topics to which the noble Lord has thought proper to draw your attention—the Poor Laws, and other things, naturally the subjects of important inquiry, which it is impossible to go into on this discussion: I shall therefore confine myself entirely to the subject of the noble Lord's Motion; that is, the appointment of a Committee for Inquiry into Public Works in Ireland. The object of the noble Lord's Motion, the object of this inquiry, is to obtain money from the public for the performance of Public Works in Ireland, or rather for the general improvement of the soil of the country; and the noble Lord has very large ideas upon these subjects, for I think he mentioned five or ten millions sterling. I think the noble Lord can hardly expect any person in this place to hold out expectations of a grant of five or ten millions sterling, or anything like it; and I am very much afraid that if your Lordships consent to appoint such a Committee as that moved by the noble Lord, a Select Committee to inquire into these matters, although there should not be the expectation of a grant of five or ten millions sterling, there will be the expectation of the grant of some money. I am sorry to say that I have not been authorised to hold out any expectations for the grant of public money beyond that for which provision had been already made by former legislation. I would entreat your Lordships to reflect that there is a Commission now sitting under the superintendence of my noble and learned Friend who is at present sitting near me (the Earl of Devon), the object of which is to inquire into every point connected with the means of improving the condition of that country, and the necessity of advancing loans of money for that purpose. This Commission will report in due course of time, and I should think it advisable for your Lordships to pause until you will have perused the Report of the Commission, before you appoint a Com-

mittee to inquire on the part of your Lordships into the matters which have been just referred to by the noble Lord who has just sat down. I am aware that there are some points of the noble Lord's speech upon which I think I could make some observations which may be satisfactory to your Lordships. There is nobody who admires more sincerely than I do the very valuable Report which has been made by the Board of Works in Ireland on the subject of draining; and I must say, that it would be very satisfactory to me if it could be found expedient to carry out the recommendations contained in that Report. But there is a great deal to be said with regard to the great lines of railway which have been suggested. Such undertakings may be highly useful to the country, and the Commissioners had declared that it would be highly useful to the country in a variety of ways; but it does not follow that it would be found in the same view as useful in Ireland as it has been found useful in this country. It has always been thought that it would be desirable if there should be some individual enterprise mixed up in the construction of these great public works—that it would be desirable there should at least be symptoms manifested that there were capitalists ready to render their assistance to the execution of these works, which are said to be so useful and so conducive to the commerce and manufactures of the country. I am happy to say that I understand there are some of those plans at this moment in the course of being carried into execution in Ireland. There is a line of railway proposed to be carried on from Dublin to Cashel, another from Cashel to Cork, both of which will most probably be carried into execution, and a third from Drogheda to Newry. Now these are all important facts, and at least hold out the expectation that some of the benefits will be produced to which the noble Lord had adverted. My Lords, I beg to recall to your recollection that two years have not elapsed since you passed an Act having for its object to carry into execution a grand system of drainage in Ireland, under the superintendence of the Commissioners of the Board of Works. It was understood that these works were to be aided by the assistance of public money. That is a measure that has been already passed through Parliament. That Act was passed in 1842, and was ably supported by the noble Marquess opposite (the Marquess of Clanricarde.) I have not heard how far the promises which had been then made have been fulfilled. All that the Parliament could have done on the subject has been done. On that subject, then, an Act has been passed, a system of plans has been organised, and the public assistance in money will be afforded whenever it is deemed necessary. Then, my Lords, I understand, that there is a sum of 60,000*l.* a-year allotted to the general purpose of Public Works in Ireland, 15,000*l.* every quarter, of which a part has been already received. Although the noble Lord has not noticed these facts, I beg to remind you, that in the course of the last twelve or thirteen years a sum of money has been advanced on account of Public Works in the way of loans and grants to Ireland, exceeding 900,000*l.* Part of this sum has, no doubt, been repaid, a part has not; but at the same time these sums have been advanced, and these advances are still going on at this moment; therefore it cannot with truth be said that Parliament has been inattentive to the improvement of Ireland as far as these arrangements were made, or as it was deemed necessary for carrying these works into execution, and also in providing the means and assistance required for these purposes. Under these circumstances I trust your Lordships will be satisfied that, as the Commission of my noble Friend is now sitting, and as progress has already been made in these inquiries under the superintendence of my noble Friend, a Report will be made as soon as possible; that Report will include a part of this very subject, which has been already adverted to. Railroads have, I believe, already been undertaken in three instances. I think it would be impossible to enter upon such an inquiry as the noble Lord advocates without holding out an expectation which no one can be justified in doing. I do, therefore, recommend your Lordships not to agree to the appointment of this Committee, but to give the Motion a direct negative.

The Marquess of *Clanricarde* was glad to learn that 60,000*l.* was voted by Parliament for Public Works in Ireland, but he apprehended that the greater portion of it was intended to be advanced by way of loan; indeed, he believed, the whole of it. The noble Duke had truly remarked that large sums had been granted for this purpose in former years, but it would be

only just to say that they had been repaid. ["No, no," from the Duke of *Wellington.*] He believed the amount unpaid was 50,000*l.* or 60,000*l.*

The Duke of *Wellington*: 546,000*l.*

The Marquess of *Clanricarde* did not know whether the noble Duke meant from the period of the Union.

The Duke of *Wellington:* Within the last ten or twelve years.

The Marquess of *Clanricarde* observed, that part of this money was the residue of the million grant to the Clergy. He had yet to learn that the Commission of the noble Earl had anything to do with the advancement of Public Works. He was far from complaining of this; he was very glad to hear of it; but he must say it was new to him. When he had enquired the object of the Commission from the noble Earl opposite, he was referred to the instructions issued to it; and in these, although mention was made of Landlord and Tenant, he did not think there was any thing which would in the least lead any one to infer that the Commission had any thing to do with the promotion of Public Works. As to the Drainage Act, passed two years ago, he was afraid that the Works undertaken in consequence of it were on a very small scale, as well as few in number. That was no fault of the framers of it; but, when the noble Duke referred so confidently to the Board of Works, they ought to know what sums were at the disposal of that body. The sum voted last year was only 20,000*l.*; of this 7,000*l.* was already due; and he understood that before the money reached Ireland, upwards of 6,000*l.* more had to be paid to claimants on the Board, so that last year there was but a sum of 6,000*l.* at its disposal. The noble Duke might be startled at the amount of the sum required; but if it were for the benefit of the Empire that these Works should be undertaken in Ireland, the expense ought not to be a matter of consideration. In a speech of Sir Robert Peel, opposing a proposition that Railways should be undertaken by the Government, he found that right hon. Gentleman said, "Let it not be supposed that the ground of his objection was the expense which the Measure would occasion to England. That contributed nothing to his opinion on the subject." He (the Marquess of Clanricarde) denied that there was any sound general principle which should prevent the advance of money for Public Works in Ireland No such principle had been adopted in the history of this country; on the contrary, it had been the constant practice to advance money, whether in the Colonies or in this country, where it was clearly established that great Works were necessary. If such Works would contribute to give employment to the people and develop the resources of the country, the Government would do wisely to undertake them: —he should not, however, recommend Government to assist in making any such Works but such as were directly remunerative; and capitalists, he thought, would be readily found, who, if they were guaranteed 3 per cent. for five or six years on the money laid out, would readily embark in such undertakings. The Railway Commissioners, in their Report, expressed a decided opinion that the policy of granting public assistance was sound, and that in every instance where it was afforded the returns had fully repaid the outlay of public capital. He did not ask that Government should lavish public money in the construction of such Works as had been made in former years in Scotland or Canada, he only wished to see them aid in the formation of such as were likely to yield a remunerative return. He insisted that the Poor Law was an entire failure, and urged upon Government the necessity of setting the people to work on Public Works.

The Earl of *Devon* quite concurred in the opinion that the prosperity of the poorer classes was intimately connected with the social condition of that country, and he was sure there was a variety of means at the disposal of the Government, by which employment might be given to the poor population of Ireland. The only question was, how the Government could interfere most beneficially. Though, from the terms of the Commission of which he had the honour to be a Member, their attention was not specifically directed to this point, yet it was impossible, from the view he and the other Commissioners took of the state of Ireland, not to have the best mode of employing the agricultural population forced upon them. He trusted that when the whole matter was fully before the House (as at no distant period it would be, in all probability), they would come to the conclusion that a vast deal was to be done in this direction in Ireland, though not wholly through the medium of Public Works. Without arrogating too

much for the Commission, he might be allowed to say that four gentlemen, thoroughly acquainted with the country, coming from different parts of it, and though of different political views, uniting cordially in attachment to their country—above all, who investigated the subject on personal inspection, were much more likely to point out the proper mode by which Government could assist in employing the people than any Committee. He could say with confidence, that in the districts which he visited there was an activity and spring of improvement which he had been afraid he should never have witnessed. With regard to the great point of Railroads, the Mover of the Committee seemed to think that Government should take the matter up, or at all events, that there should be an advance of the public money to set them in motion. He believed that no such assistance was wanted. The position in which the question as to Railroads in Ireland stood, was most favourable, and from this circumstance, especially, that the projectors there undertook only what they were able to accomplish. Some years ago the Dublin and Drogheda road was all but abandoned, when some enterprising person showed the probable advantage of it, and assistance was immediately given from this country. With regard to the Dublin and Portadown-road, it was reported that 19,000 shares were necessary, in order to commence the work. When he left Dublin a few days ago, a Committee was appointed to see how 75,000 shares before them should be appropriated. The undertaking was taken up by all classes in Ireland; and he was glad to say, that the great English capitalists who had been engaged in the construction of English Railroads, now ventured their money in Irish Railroads without hesitation, their disposition in this respect having undergone a great alteration within the last four or five months. The Railroad system in Ireland was then progressing admirably, not forced, but growing out of the wants of the country. They were in a much more wholesome state than if any interference of Government had taken place. As to the recommendation of the Mover, respecting the improvement of the Shannon and such works, it was good policy and economy in the Government to make liberal advances for such undertakings. Those were works which could not be expected to be undertaken through private enterprise. As to the proposed outlay for draining bogs, though he had not, like the noble Marquess (the Marquess of Clanricarde) the advantage of being an Irishman, still, having seen much of the country, and heard a great deal on the question, he must say, he doubted whether public money might not be much more profitably employed in other ways. As to the results of the labour of the Commission, he could answer that the Commission would not shrink from stating what they believed to be the best mode in which the assistance of Government could be given in employing the people.

The Marquess of *Normanby* rose to suggest to his noble Friend, whether—there having been some misunderstanding as to the discussion on the matter in hand being taken that night in consequence of which many of his noble Friends, who would have taken part in the debate were not present — whether the noble Earl might not with propriety forbear at present from pressing his Motion. He thought that, pending the first Report of the Commission now sitting, it would be premature to appoint a Committee. He did think that had they acted on Lord Morpeth's suggestion in 1839, of advancing money for the construction of Irish Railways, the distress of that country would have been much alleviated. But this was not the proper time to interfere. He again urged his noble Friend not to press his Motion: but he would also express his conviction that, ere long, the subject would force itself on the consideration of the Legislature.

Lord *Cloncurry* would have no objection to comply with the suggestion of the noble Marquess, and withdraw his Motion. He merely wished to say, that he thought it would be advantageous, were the Government to take new lines of Railway under their protection and control, allowing, however, the public to be the shareholders.

Motion withdrawn.

House adjourned.

HOUSE OF COMMONS,

Friday, May 10, 1844.

Minutes.] New Writ. — For the Southern Division of the County of Lancaster, *v.* the Hon. Richard Bootle Wilbraham, dec.

New Member Sworn. — Sir William Webb Follett, *for* Exeter.

BILLS. *Public.*—1°. Dissenters Chapels.
2°. Customs Duties.
Reported.—Edinburgh Agreement.
3°. and passed:—Factories (No. 2).
Private.—1°. Edwards's Estate.
Reported.—Southern Railway; Manchester Improvement (re-committed); Mariners and General Life Assurance Company; York United Gas (No. 2).
3°. and passed:—Northern and Eastern (Newport Deviation) Railway; Blackburn and Preston Railway; Padstow Harbour.

PETITIONS PRESENTED. By Dr. Boyd, from Derry, against Dissenters Chapels Bill.—By Mr. T. Acland, from Taunton, and Dunster, for Alteration of Ecclesiastical Courts Bill.—By Viscount Bernard, from Kilroan, and Rathcoony, for Education (Ireland).—By the Earl of March, from Deaneries of Chichester (2), in favour of a Bishopric at Manchester.—By Dr. Boyd (14), from Ireland, for Legalizing Presbyterian Marriages (Ireland).—By Mr. Estcourt, from an Association at Bath, against further Grant to Maynooth.—By Mr. Baskerville, from Herefordshire (8), and by other hon. Members (10), against Union of Sees of St. Asaph and Bangor.—By Mr. H. Baillie, from Lochcarron, against Abolition of Tests in Scotch Universities.—By Mr. Christie, from Manchester, for Enquiry into the Universities.—By Mr. Benett, from Wilts (15), Sir Charles Knightley, from Northampton (10), Sir W. H. Joliffe, from Hants (13), Sir J. Trollope, from Lincolnshire (23), and Lord Charles Wellesley, from Hants (21), against Repeal of Corn Laws.—By Mr. Astell, and the Earl of March, from Bedford, Kent, and Sussex, for Repeal of Duty on Hail Storm Insurances.—By Mr. Warburton, from Kendal, for Reduction of Wool Duties; and from Dorsetshire, for Compensation (County Courts Bill).—By Mr. H. Berkeley, from Bristol, for Inquiry into Chancery Compensation.

HOURS OF LABOUR IN FACTORIES.] The Factories Bill (No. 2.) was read a third time,

Lord *Ashley** rose to move the Clause of which he had given notice, and spoke to the following effect: It may seem to be almost superfluous, after three distinct declarations of this House, (and in a single Session,) to appeal again, by rhetoric or argument, to your feelings or understanding. We determined only seven weeks ago, three times actually, that the period of labour should be less than twelve hours; and twice virtually, that it should not exceed ten. The world at large believed that a middle term would be offered; but Her Majesty's Ministers have refused concession—they have invited, nay more, have compelled us to revive the debate; and now summon the House of Commons to revoke its decision. We, then, who stand in the old paths, and protest against this novel and somewhat questionable course, shall not be regarded as guilty of wearying your attention, and wasting your time, if we urge every possible consideration, and press forward every hitherto-omitted argument, as some counterpoise to the enormous weight of ministerial influence and official authority. Sir, I cannot but be aware that enough has been said on the physical and social condition of the people—one way or the other, the minds of all are fully made up; and it is, indeed, unnecessary to say more, as all, even the hottest of my opponents, admit that a reduction of the hours of labour, could it be effected without injury to the workmen and manufacturers, would be highly desirable. The only objection, then, in the minds of many honourable and thinking men, is the danger to the people themselves; and I find myself in the condition of being summoned to refute the charge, that I, who propose the scheme, am far more inhuman than those who resist it. Now I, for one, will reject the use of such epithets as these; nor will I retort any accusations that, here or elsewhere, have cast on me the imputation of malignity or cant. I regret but one thing in the course of these debates; I deeply regret that I should have been accused of calumniating the whole body of masters—I totally disclaim it—I should be ashamed of myself if I held such language towards a class of men that can boast of as worthy and munificent individuals as ever supported or adorned the institutions of this country—nor am I, because I address myself to a particular evil, to be considered as the enemy of the Factory System—remove some few imperfections, and it may become a blessing, if not absolutely, at any rate relatively to the present state of our labouring people. Sir, when I first introduced this subject, I did not attempt to handle the commercial argument—I did not think it necessary for my view of the question, nor do I now; but I owe it to those, whose interests I represent, to shew that I have not left any part without due consideration; that I have not rushed, like an enthusiast, into this career, neither knowing nor caring what consequences might ensue from the attainment of my ends. I said then, that I entertained a full confidence that what was morally wrong could not be politically right; I had, and I have, an equal confidence that what is morally right cannot be politically wrong; and everything, that I can acquire by thinking, reading, and, above all, by communication with those who are able to instruct me from their practical experience, confirms my conclusion. And now, Sir, I shall entreat with much respect and earnestness, the indulgence of the House

* From a corrected Report.

to a subject, always perhaps dry, and now both dry and somewhat exhausted. Now, after all that has been written and said on the subject, I can discover no more than four arguments urged by our opponents against this Measure, all of which are comprised in the Manchester Petition lately presented to this House. 1st. That the passing of a Ten Hours' Bill would cause a diminution of produce. 2nd. That there would take place a reduction, in the same proportion, of the value of the fixed capital employed in the trade. 3rd. That a diminution of wages would ensue, to the great injury of the workmen. 4th. A rise of price, and consequent peril of foreign competition. Even supposing that these assertions be separately, they cannot be collectively, true: it is very fair to place before us a variety of possible contingencies, but it must not be urged that we are threatened by a combination of them. Any one event may occur; but such an occurrence prevents, in one case at least, the full accomplishment of the other. Let us look at the first argument, that "the passing of a Ten Hours' Bill would cause a diminution of produce." It has hitherto been urged by all our antagonists, that a reduction of one-sixth of the time would involve a corresponding reduction of one-sixth of the produce. I am happy to say, that the opponents of the Bill have somewhat receded from their ground, and state, in their Petition, an abatement of one-seventh; this is so far a gain on our side of the argument. But is the case so? What authority do they urge for the assertion? Do they quote any facts? None on the face of the Petition. But I think I shall be able to urge some very sufficient reasons to disprove altogether these general assertions, and establish some more favourable to myself. The first statement to which I shall refer, is contained in a letter from a Gentleman who carries on a very large concern; employing, I believe, no less than 1,200 hands; it is dated March, 1844.—

"It is a mistaken notion," writes this Gentleman, "to suppose that the produce of yarn or cloth from machinery, would be curtailed in an arithmetical proportion to the proposed reduction of working hours from twelve to ten, because in very many instances the workman can produce much or little during the day, as he feels disposed, or as his strength enables him; and in my own trade, in which we employ at least 1,200 hands, I have proved beyond a doubt, that whenever we have reduced the hours for working from twelve to ten per day, which is equal to one-sixth, the quantity of work produced has not fallen below one-tenth or even one-twelfth."

Another very important testimony is to be found in a valuable essay, published in 1831, entitled, "An Inquiry into the State of the Manufacturing Population," and written, I believe, by the owner of the largest establishment in Europe, Mr. Gregg:—

"That a reduction of the hours of labour would cause a corresponding reduction in the quantity produced," says the writer, "we entirely deny; it is probable, that if factories were to work ten hours instead of twelve, the loss in the quantity produced would not be one sixth, but only about one-twelfth, and in mule spinning scarcely so much. We know that in some cases, when the mills only worked four days in the week, they have often produced five days' quantity, and the men earned five days' wages. That this would be the case to a considerable extent every one must be aware, as all men will be able to work much harder for ten hours than they can for twelve."

Another Gentleman who is the proprietor of a large establishment, writes to me thus:—

"I am persuaded by experience, and from actual experiment, that the mill occupier would lose very little by such a regulation (a Ten Hours' Bill): the workers would be so improved in their physical condition, that they would do very nearly as much work in ten and a half as in twelve hours."

Now, I have been anxious to obtain upon this point the opinion also of the operative cotton-spinners themselves, and I submitted two questions to them to which I have received answers from twenty of the principal towns in Lancashire. My first question was, "Is the reduction in the produce in the direct proportion of the reduction in time—that is, would a reduction of one-sixth in the hours of work lead to the reduction of one-sixth in the amount of produce?" The answer I have received from twenty principal manufacturing towns was "Certainly not." My next question was, "At how much do you estimate the reduction of produce?" The answer took the view the most advantageous to my opponents, and was, "Not more than one-eighth." So far, then, as argument can go, and practical opinion, the case is established; there is no set-off to this statement; at least I have heard none; our adversaries have no where adduced actual facts to shew that the abatement of produce is, in

any degree, proportionate to the abatement of time. Now the second argument may very probably follow on the foundation of the first, that "a reduction would take place, in the same proportion, of the value of the fixed capital employed in the trade;—this is not unlikely—but what does it amount to? Great authorities have calculated the diminution of produce by one-twelfth or about 8 per cent. Let us admit this sum, as indicating the amount of the diminution of value on the fixed capital. Is this pure loss? are there no compensating circumstances? Look at this estimate furnished to me by one of the largest proprietors in the cotton-trade of England.—Here it is.

"Calculations of expenditure saved by diminution of hours of labour.—Horse power at work in the concern 200; original fixed capital, 100,000*l.*, or 500*l.* per horse power, which is the usual estimate. Diminution of produce by reason of two hours less labour, I will say 10 per cent., putting the argument advantageously for my opponents, for the reduction of produce will not exceed one-twelfth. The calculation will then stand thus:—On twelve hours time, or sixty-nine hours per week, the quantity of production is now measured by sixty-nine hours; and this table will show the yearly cost of fixed capital—

Interest on fixed capital at 5 per cent per annum . . .	5
Depreciation by wear and tear .	6
Coal, oil, tallow, repairs, &c. . .	12
Gas (nearly)	1
Total . . .	24

That is, 24 per cent. of the fixed capital for carrying on the concern, for a production of 69—say 69,000 bundles of manufactured goods—then 24 divided by 69=24-69, which is nearly $\frac{3}{8}$ per cent. per annum of the fixed capital for each thousand bundles. On ten hours time, or fifty-nine hours per week, the production being calculated at 10 per cent. less, may be measured by sixty-two hours production—

Interest on fixed capital at 5 per cent. per annum . . .	5
Depreciation by wear and tear .	5
Coal, oil, tallow, repairs, &c. . . .	10
Gas (half)	½
Total . . .	20½

That is, 20½ per cent. of the fixed capital for carrying on the concern for the production of 62,000 bundles—then 20½ divided by 62=20½-62, which is a trifle less per 1,000 bundles than when working twelve hours, so far as the fixed capital is concerned. Now from the above table, it appears that the cost of goods (allowing the wages to be reduced in proportion to the work done) will be less than at present."

But the cardinal argument of my honourable opponents is hung on the supposed reduction of the operatives' wages, and on the calculated mischiefs that would ensue to the work-people from so large an abatement of their weekly earnings. Sir, I have already observed, and I must observe again that these statements, founded, as they principally are, on the researches of Mr. Horner, must be taken with many grains of allowance; Mr. Horner, with perfect candour, admits the plea, when he tells us that he draws all his inferences from the statements by the masters, and that he has never been able to obtain, on the other side, the statements of the work-people. This is an important consideration; the men themselves take a different view; and while they admit an abatement of earnings, urge that it will be in a lower proportion. Sir, very hard things are said about the folly, and the nonsense, with other expressions equally pointed, of expecting twelve hours wages for ten hours work. Sir, I am not aware that anybody expected any such thing. It should be borne in mind that the earnings of these work-people are regulated by the piece, and not by time; that a man receives, every week, a certain sum, not for the labour, but for the produce of sixty-nine hours; and the abatement of his wages will be estimated, not by the limitation of the time, but by the reduced amount of yarn or cloth that he carries to the counting-house. A reduction of one-sixth of the time may involve, as I have endeavoured to shew, a reduction of one-twelfth of their earnings. Should the demand continue, and there is nothing in this Bill to affect either the demand, or the rate of spinning per pound, the wages will fall only in proportion to the abatement of produce, one-tenth or one-twelfth, for the prices of labour will be governed, like those of all commodities, by the demand and supply. To this extent the operatives anticipate fully a reduction of their earnings: I endeavoured to shew, some short time back, the calculations of household economy, by which they were prepared to meet even an abatement of one-sixth; this, however, is beyond the mark—the countervailing advantages of reduced time are so great, as compared with a reduction of wages, that they readily accept the loss, and find their

interest in the improvement of health of body and mind; in social and domestic comfort; in the practice of household economy; and specially in the prolongation, by three or four years, of their working life, of their physical capacities to obtain a livelihood. The fourth and last argument with which I have to deal, is founded on an apprehended rise of price, and consequent advantages to the foreign competitor. Now, on this head I must produce two calculations exhibiting very minutely the degree to which such a result may take place. I will state it as founded on two establishments. The amount of sunk capital in each is 20,000*l.*; each having forty-horse power at work, one spinning No. 36, the principal count of yarn used; the other manufacturing shirting cloth from the same:—

"SPINNING ESTABLISHMENT, WORKING SIXTY-NINE HOURS PER WEEK, AND SPINNING 16,000 LBS. OF NO. 36.

	£	*s.*	*d.*
Weekly wages paid . . .	87	10	0
wear and tear, coal, oil, gas expenses, carriage, &c.	49	0	0
interest on capital sunk at 5 per cent. . . .	19	5	0
depreciation on capital, at 5 per cent. . . .	19	5	0
profits at 10 per cent. per annum, on the capital .	38	10	0
	£213	10	0

WEAVING ESTABLISHMENT, WORKING SIXTY-NINE HOURS, AND WEAVING 3,350 PIECES OF SHIRTINGS PER WEEK.

	£	*s.*	*d.*
Weekly wages paid . . .	233	6	8
wear and tear, oil, coal, gas expenses, carriage, &c.	78	3	4
interest on capital sunk, at 5 per cent. . . .	19	5	0
depreciation on capital at 5 per cent. . . .	19	5	0
profits at 10 per cent. per annum, on the capital .	38	10	0
	£338	10	0

Again, the time being reduced to sixty hours, or one-seventh less, as before observed, the production will not be reduced more than one-eighth, that is to say:—

SPINNING ESTABLISHMENT, WORKING SIXTY HOURS PER WEEK, WILL PRODUCE 14,000 LBS. OF NO. 36 YARN.

	£	*s.*	*d.*
Weekly wages paid . . .	76	10	0
wear and tear, coal, oil, gas, &c., expenses, carriage, &c., being one-seventh less . .	42	0	0
interest on capital sunk, at 5 per cent. as before .	19	5	0
depreciation on capital, at 5 per cent., less one-seventh . . .	16	10	0
profits, at 10 per cent., per annum, on capital, as before . . .	38	10	0
	£192	15	0

This is the total cost for spinning 14,000 lbs., allowing profits and interest to remain the same, which is $3\frac{3}{10}d.$ per lb., or one-tenth part of a penny more when working sixty hours instead of sixty-nine.

WEAVING ESTABLISHMENT, WORKING SIXTY HOURS PER WEEK, WILL PRODUCE 2,950 PIECES OF SHIRTING.

	£	*s.*	*d.*
Weekly wages paid . . .	205	0	0
wear and tear, coal, oil, gas expenses, carriage, &c., one-seventh less . .	67	0	0
interest on capital sunk, at 5 per cent., as before .	19	5	0
depreciation on capital, at 5 per cent., less one-seventh . . .	16	10	0
profits at 10 per cent. per annum, on capital, as before	38	10	0
	£346	5	0

Which is the total cost for manufacturing 2,950 pieces of shirtings, being 2*s.* 4*d.* per piece, or $\frac{4}{5}$ths of a penny more when working sixty hours instead of sixty-nine, allowing profits and interest to remain the same."

This, then, on a minute and accurate calculation, is the fair estimate of the advantage, if advantage it can be called, which is offered to the foreigner as a set off to the great advantages to be bestowed on our own people! But, Sir, I should like to try the question by the test of experience, and examine what has really been the effect upon production and upon the earnings of the workmen in all those cases where the hours of labour have been reduced. Forebodings were uttered of the most melancholy description—were they, any of them, fulfilled? This great question was agitated from 1815 to 1819. Several witnesses of experience and character maintained before Committees of the Lords and Commons in 1816, 1818, and 1819, the same propositions as those laid down in the Manchester Petition of the present year, that is to say, "the diminution of produce, the rise of price, the reduction of wages." Now observe; the hours of labour, before the restriction of

1820, ranged between thirteen and sixteen in the day. The Secretary to the Associated Mill Owners in 1819, gave in the following table, which falls short of the exact truth; but this is its result. The total number of cotton mills was 325. Of these 5 worked 66 hours a week; 19 ditto, 68 to 68½; 38 ditto, 69, the present duration—in all 62. But the 263 which remained worked in a range from 70 to 93 hours a week. The population employed in the 62 mills was 7,486. But the population in the 263 mills was nearly 50,000. Here observe what a large proportion of the workers were occupied on the long periods of labour. Well, what was the result. In 1819 the Act passed, to take effect from January 1st, 1820, which reduced the hours in all the cotton factories to twelve actual working hours. It had been most boldly asserted that there would be a diminution of produce; but how was this confirmed? I will just compare the prophecy and the issue. In three years, from 1817 to 1819 inclusive, the cotton-wool imported was 451,934,946 lbs. Now 1820 was the first year under restriction of labour to 12 from 14 and 15 hours a day; in three years, from 1821 to 1823 inclusive, the cotton-wool imported was 466,776,751 lbs. The estimated weekly consumption in those years, before restriction, was, in 1817, 2,051,400 lbs.; 1818, 2,132,000 lbs.; and 1819, 2,116,809 lbs. In the three years after restriction the weekly consumption was, in 1821, 2,476,800 lbs.; and 1822, 2,750,100 lbs.; and 1823, 3,025,000 lbs. You must observe, too, there was no falling-off in aggregate production; for instance, the average quantity of cotton-yarn retained for home consumption, and exported in each year, before restriction, from 1818 to 1820, both inclusive, was 134,420,757 lbs.; whilst in the three years, from 1821 to 1823, after restriction, the quantity was 140,142,224 lbs. The official value of cotton goods exported from Great Britain in two years, 1818 and 1819, before restriction was 37,988,893*l.* In the three years after restriction, from 1821 and 1822, the official value was 46,202,208*l.* The official value of yarns for the two years exported before restriction, in 1818 and 1819, was 2,882,529*l.* In the two years after restriction, 1821 and 1822, the value was 4,250,450*l.* Look to the aggregate of goods for five years before and five years after restriction; from 1815 to 1819, both inclusive, the aggregate official value of goods exported was 95,787,626*l.* From 1821 to 1825 the aggregate official value was 124,090,698*l.* The statement of yarns, did I enter upon it, would be still more striking. But now, with respect to the second apprehension, which lay in "the consequent advance of prices, and in the advantage to the foreigner," that argument has proved no more true as to the past than I believe it will as to the future. The declared value of the cotton goods exported in 1818 and 1819, together, was 29,032,412*l.* before restriction. But the declared value of cotton goods exported in 1821 and 1822, together, was after restriction only 28,321,210*l.*, being an increase of 21½ per cent. in the quantity, and a decrease of 2½ per cent. in the price. The same statement holds good in respect of the yarns exported. The declared value of yarns exported in 1818 and 1819 was 4,902,088*l.* The declared value in 1821 and 1822 was 4,915,207*l.*, being an increase of 47½ per cent. in the quantity, as nearly as possible, at the same cost. The same might be seen on an aggregate of five years. The declared value of goods exported before restriction from 1815 to 1819, both included, was 75,445,940*l.* The declared value from 1821 to 1825, after restriction, was 72,249,105*l.* But let us consider still further the advantage given, as is said, to the foreigner, with respect to two countries from which the competition is the greatest. The import of cotton wool into France for consumption in 1820 was 20,203,000 kilogrammes, or, at 100 kilogrammes to 220½ lbs. 44,547,615 lbs. The same in 1840 was 52,942,000 kilogrammes, or about 116,737,110 lbs. being an increase of 162 per cent. The export of cotton twist and woven cottons from France in 1820 was 1,441,000 kilogrammes. The same in 1840, 4,446,000 kilogrammes, being an increase of 208½ per cent. The consumption of cotton in America in 1826 (I cannot obtain an earlier year), was 103,483 bales, or 38,392,193 lbs. The same in 1840, was 297,288 bales, or 110,293,848 lbs., being an increase of 187 per cent. The total value of manufactures exported from America in 1826, was 1,138,125 dollars, as stated in *Hunt's Merchants' Magazine*, published at New York. The total value in 1840 was 3,549,607 dollars, being an increase of 212 per cent. The statements

respecting the French trade I believe to be strictly accurate, they are taken from Mr. MacGregor's tables. But now turn to the British trade. The imports of cotton wool into Great Britain for consumption in 1820 was 152,829,633 lbs. The import of cotton wool in 1840 was 592,488,010 lbs., being an increase of 288 per cent. The total of manufactured cottons (twist and goods) exported from Great Britain in 1820, as by official value, was 22,531,079*l.* The total value exported in 1840 was 73,124,730*l.*, being an increase per cent. of 225. Thus, while foreign countries increased 162 per cent. in the first case (France) and 187 per cent. in the second (America) the amounts respectively of 44,547,615 lbs., and 110,223,848 lbs. the British trade increased 288 per cent. on the amount of nearly 153,000,000. In support of my argument I quote Mr. M'Culloch :—

"It is ludicrous indeed," says that able writer, "to suppose that a half-peopled country like America, possessed of boundless tracks of unoccupied land of the highest degree of fertility, should be able successfully to contend in manufacturing industry with an old, settled, fully peopled and very rich country like Great Britain."

Mr. M'Culloch speaks like a man of sense. Now, the third point of alarm which I wish to test by the experience of the past, is the question urged so strongly then, and with double vehemence now, the reduction of wages! Now, here is the actual statement of the case, which will show how weak was the ground on which the assertion was based. I will take the facts without pretending to assign the causes. In 1818 and 1819, the two years preceding the limitation of the hours of labour, these were the wages of the operatives :—The fine spinners made 1*l.* 12*s.* per week, the coarse spinners from 20*s.* to 28*s.* per week, the women spinners 17*s.* per week, the reelers 10*s.*, the stretchers 14*s.*, the pickers 9*s.* I find from the same table—a table in Tooke's "High and Low Prices"—that in 1820, the first year of the limitation, the wages continued the same. I have not been able to get any tables to show the state of their earnings in the two following years; but the subject is a very important one, and we can arrive at it by an easy process. The records of the operative spinners in Lancashire show for many years the prices paid for spinning per lb, In 1818 and 1819, in the Manchester and Bolton district, those prices were for 40*s.*, 3½*d.* per lb.; 60*s.*, 5½*d.* per lb.; 80*s.*, 8¼*d.* per lb.; 100*s.*, 9*d.* per lb.; 150*s.*, 1*s.* 10*d.* per lb.; and 200*s.*, 5*s.* 4*d.* per lb. I find, that in 1821 and 1822, the years following the limitation of labour, the same prices were obtained for spinning as in 1818 and 1819. I have already shewn to the House that the weekly consumption of cotton-wool, in the three years following the restriction, was greater than in the three years preceding the restriction. Therefore, as there was a greater quantity of cotton-wool to be worked up, and the prices of working it up were not reduced, we have good ground for asserting that wages continued, at least, at the same level. So much for the predictions of wages to be reduced. Did the loss then fall on the profit of the manufacturer? Suppose, for the sake of argument, that it was so: surely an adequate return must have been left, for I find that the

Cotton wool imported in 1818, amounted to .	177,282,158lbs.
But in 1842 to . . .	475,060,700lbs.
The total number of cotton establishments in 1819	344
The same by latest returns (1839) .	1,815

And mills are, at this moment, in course of construction in every quarter. But, let people say what they will, the whole subject is contained in an extract from a letter written to me in March, 1844, by a very large proprietor :—

"When," says he, "we see around us men of all trades and professions going into the cotton trade, some with little capital, others with less knowledge or experience of the business—when we see gentlemen, brokers, merchants, doctors, lawyers, drapers, tailors, &c., leaving their respective professions and trades, and we see them building mills in almost every town in Lancashire—when we see capital thus finding its way into the spinning and manufacturing business, surely the profits cannot be so small that a little reduction of the hours of labour to suffering thousands is impracticable."

Now, Sir, I have long been regarded as a monomaniac on these subjects, as a man of peculiar opinions, one having a fixed idea, but without support, or even countenance, in my wild opinions—yet is it not the fact, that the reduction in the hours of labour is a question maintained and desired by many great manufacturers in the cotton-trade? I may quote in this House the Members for Oldham, Salford, Ashton,

and Blackburn—I will just indicate a few without its walls, firm friends of the Measure; Mr. Kay, of Bury; Mr. William Walker, of Bury, perhaps the largest consumer of cotton in that district; Mr. Hamer, of the same place, a partner in the firm of the late Sir Robert Peel; Mr. Cooper, of Preston; Mr. Tysoe, of Salford; and Mr. Kenworthy, of Blackburn. I set great store by the opinions of this Gentleman last named, because he has passed through all the gradations of the business, and has by his own talent and integrity, raised himself from the condition of an operative to the station of a master. I may add, too, the name of Mr. Hargreaves, of Accrington, no inconsiderable person in Lancashire, who feels so strongly on this subject, that he attended a public meeting in support of the question, and moved a resolution himself. Now, consider here the famous argument of Mr. Senior, an argument urged almost more frequently than any other, to prove the folly and mischief of my demand. Every one, no doubt, will readily acknowledge the talents and learning of this Gentleman, but practical experiments are worth ten thousand of his calculations. Mr. Senior declares that the profit of the manufacturer arises from the labour of the last two hours. Now, observe, this assertion might be met in various ways by reasoning, but a fact is far better. I find a letter addressed, in April, 1844, to the Editor of the *Bolton Free Press*, and signed, a Bolton Cotton Spinner, but known to be by Mr. Thomason, a highly respectable mill-owner.—he speaks from personal experience; and what does he say? These are his words:—

"There is also another consideration for employers, namely, that in a day's work of twelve hours, the last hour, by reason of the exhaustion and listlessness of the workers, more especially young children of thirteen or sixteen, is the least productive in quantity, and the least satisfactory in quality."

And he adds, now mark this:

"The probability is, that the twelfth hour produces more spoiled work than any other two hours of the day."

Here is the opinion of a practical cotton spinner: and it is confirmed by every statement that I have received on the subject; not a few experienced persons having declared that they could tell, by the feel and the appearance of the cloth, whether it had been made at the earlier or later periods of the day. But, further, I submitted the question to the operative-spinners of Lancashire, and this is the answer I received from twenty principal towns:—"What is the character of the work of the last two hours, is it equal in quality to that of the first?" The answer which they have given me is—"Certainly not, especially in the winter months." Sir, is it necessary further to detain the House by proofs, that the arguments of Mr. Senior rest, by no means, on the firmest grounds? The commercial argument, in truth, is really feeble; it has always been urged, and has never been verified, and yet experience should go for something in these great considerations,—it was broached in 1816; repeated and enforced in evidence before Committees, in speeches and pamphlets, in 1817, 1818, and 1819, and utterly refuted by the whole subsequent history of the cotton trade from that day to the present—you had no diminution of produce, no fall in wages, no rise in price, no closing of markets, no irresistible rivalry from foreign competition, although you reduced your hours of working from 16, 14, 13, to 12 hours in the day. What change has there occurred so mighty as to prevent a similar result in 1845? Is British energy so exhausted, our skill so decayed, our resources so dried up, that 2 hours taken from 12 will produce nothing but misery, when 2, 3, or 4, taken from 16, 14, or 13, produced nothing but good? You argue, moreover, as though there existed no difference of opinion among master cotton-spinners—as though every commercial authority lay on your side, and were not found in equal weight and character upon ours. But while your financial argument has failed, not so that arising from moral considerations. The antagonists, even, of the restriction pronounce it desirable, could it be safely effected; and your own inspectors have told you, that without such a limitation of the hours of toil, there can be no hopes of the social or moral improvement of the working classes. Here then, springs up a curious and important problem for solution by this House—no, not by this House, for they have already resolved it—but for Her Majesty's Government, who deny our conclusions, and oppose themselves to the thrice recorded wishes of the British empire.—Which is the preferable condition for a people—high wages, with

privation of social and domestic enjoyment, without the means of knowledge or the opportunities of virtue, acquiring wages which they waste through ignorance of household economy, and placed in a state of moral and physical deterioration? or lower earnings, with increased advantages for mental improvement and bodily health; for the understanding and performance of those duties, which now they either know not or neglect; for obtaining the humble, but necessary accomplishments of domestic life, and cultivating its best affections? Clouds of witnesses attest these things; clergy, ministers of every persuasion, doctors, master-manufacturers, and operatives, have given, and are ready to give again, the most conclusive evidence; but Her Majesty's Ministers refuse to listen, and will neither adopt the remedy we propose, nor assist us with one of their own. Sir, this House is now placed in a novel position; it is summoned to rescind its resolution, not because new facts or new conditions have appeared, but because the Minister has declared his hostility. Nothing has been stated that was not stated before—no fresh knowledge communicated, no unseen danger discovered. The House is summoned to cancel its Vote, not upon conviction, but to save a Government. The Minister surely has no right to expose his supporters to this alternative—either to abandon their opinions or dislodge their political friends. A determination such as this should have been signified beforehand, and not reserved until a time when it will be obeyed certainly with great pain, and perhaps not without disgrace. Sir, I do think that Members should pause to consider the precedent they are about to establish. Very alarming words fell from my hon. Friend the Member for Somersetshire—manly and conscientious as is everything that he says or does—that while he retained his opinions, he should change his conduct, because he found himself at variance with the Minister. And so it is come to this, that great questions are to be tried, not by their merits, but by their aspect as affecting the will or the fancies of a Government, opposing, be it remembered, not a set of principles to introduce a new system of rule or policy, but asserting a mere opinion against the extension of an existing law, hastily taken up, and somewhat arbitrarily maintained. Sir, the whole question of representative Governments is at stake—Votes have been rescinded before, but never such as this; you are almost declaring, to those who are your ordinary friends, that they shall never exercise a Vote but at the will of the Minister. This is a despotism under the forms of the Constitution; and all to no purpose; for your resistance will be eventually and speedily overcome, but your precedent will remain, more fatal to true liberty and independence than all the Reform Bills. Sir, it is possible, nay more, it is probable (for their efforts have been great) that Her Majesty's Ministers will carry the day; but for how long?—If they would render their victory a lasting one, they must extinguish all the sentiments that gave rise to mine. Their error is stupendous—

"Scilicet illo igne, vocem populi, et libertatem senatûs, et conscientiam humani generis aboleri arbitrabantur."

Could you, simultaneously with your extinction of myself, extinguish for a while the sense of suffering, or at least all sympathy with it, you might indeed hope for an inglorious repose; and, by the indulgence of your own ease, heap up, for your posterity, turmoil, anxiety, and woe. But things will not end here. The question extends with numbers, strengthens with their strength, and rises with their intelligence. The feeling of the country is roused; and, so long as there shall be voices to complain and hearts to sympathise, you will have neither honour abroad, nor peace at home, neither comfort for the present, nor security for the future. But I dare to hope for far better things—for restored affections, for renewed understanding between master and man, for combined and general efforts, for large and mutual concessions of all classes of the wealthy for the benefit of the common welfare, and specially of the labouring people.—Sir, it may not be given to me to pass over this Jordan; other and better men have preceded me, and I entered into their labours; other and better men will follow me, and enter into mine; but this consolation I shall ever continue to enjoy—that, amidst much injustice, and somewhat of calumny, we have at last "lighted such a candle in England, as, by God's blessing, shall never be put out." The noble Lord concluded by moving the following clause:—

"And be it enacted, That from and after

the 1st day of October in the present year, no young person shall be employed in any factory more than eleven hours in any one day, or more than sixty-four hours in any one week; and that from and after the 1st day of October 1847, no young person shall be employed in any factory more than ten hours in any one day, or more than fifty-eight hours in any one week; and that any person who shall be convicted of employing a young person for any longer time than is in and by this Clause permitted, shall for every such offence be adjudged to pay a penalty of not less than £ , and not more than £ .

Clause 1 brought up, and read the first time.

On the question, "That the said Clause be now read a second time:"*—

Sir *J. Graham*: I can assure the House, that it is with very great pain I rise to take part again in the discussion of this subject, which has been so often debated, and that I must again speak, in opposition to the noble Lord who has just sat down. Sir, I shall not be unjust towards the noble Lord, whatever others may be; and I am quite satisfied that the cause which he has advocated this evening can never fall into the hands of a better advocate. I am quite satisfied that his motives are of the highest and purest nature, and he is no less an able and a powerful advocate than I believe him to be a sincere one. The noble Lord has, however, said, that Her Majesty's Government seek to exercise a tyranny upon this occasion. Now, Sir, with humble submission, I say that I am quite prepared to bow to whatever decision this House may adopt upon this question, but I can conceive no tyranny greater, none more intolerable on the part of the Crown, and I should certainly say that it would be the extreme of tyranny on the part of a popular assembly, to expect that any Minister should remain responsible for the conduct of public affairs, when the Representative Assembly of the nation, bearing so large a portion of the whole power of the Government of the country, demands a course to be taken which that Minister, in his judgment, and in his conscience, believes to be fatal to the best interests of the country. I must say, with perfect submission and perfect equanimity, that I leave this case to the decision of the House, but with equal firmness and with equal frankness I am bound to state, that if the decision of the House should be that the proposition of the noble Lord shall prevail, it will be my duty to seek a private station, hoping that the decision of the House may be conducive to the welfare of the country. As the noble Lord has favoured the House with a Latin quotation, I may follow it up with another. The noble Lord talked of the toil and trouble which he had undergone in bringing forward this subject. I admit it. I also have endured something: and I can contemplate without sorrow or regret retirement from public life in defence of opinions, which I believe to be sound, and on account of a firm resistance to errors, which though unavailing has been firm and disinterested:—

"—— nil dulcius est, bene quàm munita tenere
Edita doctrinâ sapientum templa serenâ;
Despicere unde queas alios, passimque videre
Errare, atque viam palanteis quærere vitæ,"

From that private station I may be able to say, that I have acted with the best of my ability to obtain what I believed for the good of the country, and I shall see errors committed by the House from which I have endeavoured to dissuade it. I believe the Measure of the noble Lord to be uncertain in its effects as regards the working classes, but inevitably it would cause injury to the masters of a greater extent than has ever been contemplated. The noble Lord said, and I think somewhat unjustly, that the Government had proposed no remedy for excessive labour, and the noble Lord also, with similar harshness, has taunted us with having departed from our principles; and he was cheered in that sentiment by the noble Lord the Member for Sunderland. The fact is, that we have pushed our remedies too far in the hope of meeting the case as stated by the noble Lord and in our desire to satisfy the feelings and wishes of the working classes. I admit to the noble Lord that we have trenched upon principle, and I admitted it frankly in the discussion upon a previous evening; but it is no new infraction of principle—the first inroad was made in 1833, and interference has now become a question more of degree than of principle. This has driven me aside from the argument which I meant to have addressed to the House, but still there are questions of degree so important, that they are hardly

* Much uncertainty having prevailed respecting the extent of Lord Ashley's Amendment, it is necessary to state, that the term "young person," is taken according to the definition of the Factory Act, and is applicable to all between the ages of thirteen and eighteen.

second to principles, Take the question of the franchise, for example—it is a question of degree as to the amount of property that shall give the franchise; but still it is a question of paramount importance. So with regard to protection—the amount of protection is a question of degree; 5*s.* more or less make all the difference, but such questions are hardly inferior to questions of principle. The noble Lord, I think, used the phrase, that it was only a "little reduction of the hours of labour" he wanted. I appeal to the noble Lord and to the House whether that was a just representation of the case. The noble Lord used the expression and it sounded very smoothly, that it was only a little reduction which he desired. The noble Lord must remember that as far as the four staple branches of our manufactures are concerned he is introducing what is equivalent to another Sabbath—an institution as it appears to me, undoubtedly divine in its origin, which I regard as one of the most merciful dispensations of a wise and beneficent Providence; but the noble Lord seeks by legislation to introduce into these branches of manufacture another day of rest in every week. His amendment is equivalent to taking from each week twelve working hours. It is, in fact, saying, that in addition to the Sabbath and all the holidays still allowed, you shall have six weeks in each year, by force of law withdrawn from productive industry. Six weeks in each year deducted from productive industry! the noble Lord calls that a "little" reduction in the hours of labour. The noble Lord says, he has been exposed to great obloquy and some misrepresentation. Does the noble Lord stand alone? Is Her Majesty to be obliged to remove me from her councils because I oppose the noble Lord? and yet it is said in distinct terms in an address which I had the honour of forwarding to Her Majesty, that the intentions of the Legislature are to be defeated by one of Her Majesty's servants, who has avowed his intention of withholding all relief from the oppressed women and children in factories. Talk of calumny and injustice after this! Then the noble Lord reproached me that I had violated principle. To meet the noble Lord's wishes with the consent of this House, and with the consent of the master manufacturers—to their eternal honour as I consider—we have curtailed the labour of children to six hours and a-half each working day. We have actually trenched upon principle, and we have compulsorily now abridged the hours of female adult labour to twelve hours in each four and twenty. Principle has as the noble Lord says, been violated. I can assure the noble Lord, who, perhaps, does not recollect what he stated in his eagerness, that he taunted the Government with having violated principle. [Lord *Ashley*—"I said constitutional principle."] Then I must apologize to the noble Lord. The noble Lord opposite, the Member for Sunderland, cheered the expression, and I thought it was intended to taunt us for a violation of economical principle. Now, I must say, that the discussion which has already taken place has not altogether been fruitless in its results, for when this question was first introduced the noble Lord scorned to rest his case upon any grounds which he conceived to be lower than moral and religious grounds; at any rate the question was not to be treated on commercial grounds. Now, the noble Lord has descended from that height, and proceeded to argue the question upon commercial grounds; and I am very glad, because, considering the assembly which I address, it was absolutely necessary, before the close of this discussion, that we should proceed to argue the question upon some practical and intelligible basis. But surely the issue has somewhat shifted. I do not see the hon. Member for Oldham in his place, but, as it appears to me, he stated the issue very fairly upon a former evening. I think, he stated that the working classes had got it into their heads that they were worked too hard and that they produced too much, and that if they did less the manufacturers would get better prices and the workmen better wages. Now, that is the question fairly stated, and I believe that the idea contained in it has entered the minds of a great body of the working classes, and I conclude likewise, that those Members of this House who really believe that by the passing of the Ten Hours Clause the manufacturers would get better prices, and the workmen would obtain better wages, are thoroughly justified in voting with the noble Lord. But, on the other hand, I feel very strongly that all the Members of this House who believe that proposition to be a gross fallacy, all those who believe, if you strike off six weeks in the year from productive industry in our staple manufactures, that such diminution of our pro-

ductive power would render it impossible for the masters to get higher prices or the workmen to get better wages—all those who are satisfied in their consciences and who in their judgment believe the contrary proposition to be a fallacy, are bound, I think, in the present condition of this country, to resist the Motion of the noble Lord. Now, Sir, I am very unwilling to weary the House with abstract theories, and it is somewhat difficult to follow the calculations of the noble Lord through all their details; but I must trace the commercial argument as brought forward by the noble Lord through some of its mazes. Now, Sir, I hold competition as the source of cheapness to be of the utmost public advantage, and I believe it to be so, because competition is the origin and the source of cheapness, and cheapness as a general rule is the real interest of the great body of the people. Everything, therefore, which acts against competition and against cheapness I repudiate as spurious, and I am consequently glad that we have heard nothing to-night against competition. I wish the House to bear two cardinal points in their recollection while arguing this question. In the first place it must be remembered that the workmen as stated by the noble Lord, are paid by the piece and their wages depend upon the quantity of work done. It must also be remembered that a reduction of time must occasion some loss of quantity. We may dispute about the *quantum* of that loss—the noble Lord endeavours to reduce it much below the estimate I should form—still it must be admitted, that a reduction of time so great as one-sixth of the working hours must be attended with some diminution of the quantity of goods produced; and the House will bear in mind, that wages being dependent upon the quantity produced, a diminution of the quantity must be attended by some loss of wages. Now, the measure of the *quantum* of the loss of profit will be the difference between the diminution of the raw material employed for the purposes of production arising from the abridged time, as compared with the value of the article produced in a longer time, and without any such abridgment. I conceive the loss must be measured by those terms. Then, there are only two modes, as I conceive, in which the loss can be compensated to the producer. It must be either by a reduction in wages, or by a rise in the price of the productions. I will first deal with the last proposition, as it is one upon which the noble Lord touched at some length. With respect to our great staple manufactures, cotton and woollen, we are exporters to a great extent of those articles, and we meet in the foreign market rival manufactures; and I need scarcely point out to the House the well-founded axiom, that there can't be in the same market two prices for the same commodity, and that the price in the foreign market must rule the home market. The price in the third market therefore must be the maximum of price that can be commanded at the home market. Now, I don't wish to take a gloomy view of foreign competition, but still, with reference both to our cotton and our woollen manufactures, it is a fact not to be denied, that the present rate of profits is reduced to the minimum. If you look only to the state of the money market you may infer how low is the rate of profits, when the funds are at par—and indeed all the evidence which the Government possesses leads us to believe that foreign competition as regards woollen and cotton is intense. The noble Lord and I agree upon certain premises with regard to this subject, but he draws conclusions very different from what I should draw from the same premises. I think it right, now to state to the House with regard to the increase of competing manufacturers certain facts, which are very much confirmed by the facts mentioned by the noble Lord, though drawn from other sources. In the year 1827, the manufactures in the United States, consumed only 103,000 bales of cotton; whereas, in 1843, they consumed 325,000 bales, being an increase of 222,000 bales, or upwards of 200 per cent., while the consumption of the present year will, it is confidently expected, reach 400,000 bales. The consumption of France has increased from 276,000 bales in 1832 to 430,000 bales in 1841, being an increase of 154,000 bales in those years, or 131 per cent., and the consumption of cotton on the rest of the continent is also rapidly increasing. That increase affords an evidence of an increased application of capital, and of a successful competition in third markets, with the produce of British industry. Perhaps the House will allow me to read to them, as it bears both upon the state of the closeness of competition, and also upon the hours of labour, a paper which has been put into my hands by Mr. Horner, the Factory Inspector, the statements contained in which are

founded upon personal communication which he has had in the course of the last three weeks with one of the principal cotton manufacturers in Switzerland. It commences,—

"On the 9th of April, 1844, I was introduced at Manchester, by Mr. William M'Connell, to Mr. Diethelm, a Swiss merchant here; and to Mr. Rieter, a cotton-spinner of St. Gall, who has been in Manchester to purchase some machinery, I asked some questions about his mills, and finding him very open in his replies, I met him at the counting-house of Mr. Diethelm, and obtained the following information:—'He is a partner in the house of J. J. Rieter and Co., who have two mills at St. Gall, and two at Winterthur, in the canton of Zurich. There are other mills in both places. There are about 125 cotton-mills in the canton of Zurich; their own, and all the rest, are driven by water-power.'"

The House would observe that the rest of the mills were driven by water-power, which was a great advantage.

"'Extent of the works:—In the two mills at St. Gall there are 15,000 spindles, and the same number at Winterthur; together 30,000 spindles. They reckon the fineness of quality of the yarn spun by the number of hanks to the lb., each hank having the same number of yards as in England, 840. They spin from No. 4 to No. 200, a far wider range than is known in any mill in Great Britain, in all probability. By law the hours of working are limited to fourteen hours a day; but as there are no inspectors, the law is often transgressed in this respect. The hours are as follows:—they work from five o'clock a.m. to twelve o'clock, which is seven hours. The people take breakfast in the mill whilst the machinery is running (which is now absolutely prohibited in this country.) They have from twelve to one o'clock for dinner."

Here they have an hour and-a-half; and,—

"They then work from one o'clock p.m. to eight o'clock p.m.—seven hours more, making fourteen hours in six working days; and the machinery actually runs for eighty-four hours every week."

I propose sixty-nine hours, and the proposition of the noble Lord is to reduce it from sixty-nine hours to fifty-eight—and the competition is then to be between England limited to fifty-eight hours, and Switzerland working eighty-four — England, with all the expenses of steam machinery—Switzerland, with the advantage of a boundless command of water power? Mr. Horner continued, "in the mills at St. Gall women only are employed"—there are no children, no adult men, but actually women only, working fourteen hours a day for six days in the week. But is that confined to Switzerland? In Austria, Mr. Horner was informed that

"Messrs. Rieter, and Co. have a mill about 20 English miles from Vienna, with 30,000 spindles, spinning from No. 10 to No. 160. The hours of work are limited by law, in Austria, to 14 a day; but there being no surveillance, the hours are often extended to 15, and even 16. The wages,—Children from 12 to 14, 6*d.* per day; 14 to 16, 8*d.* per day; 16 to 20, 1*s.* per day. Spinners make about 20*s.* a week clear of deductions."

Then, with regard to America, Mr. Horner also reported, that

"On the 12th inst. I was introduced to P. P., who is the buyer for a very extensive export house in Manchester. He said, that in all the fabrics into which a large weight of cotton enters, those called drills, domestics, &c., the Americans are not only formidable competitors, but in some markets they have quite superseded us. That his house used to export drills and tweeds to a very large amount to Syria; that after some time they attempted to meet the American competition by a somewhat inferior, and, therefore, cheaper quality, but without success; that they then made a contract with manufacturers, who undertook to make the article at a very low profit, but that also failed, and now they do not send a piece."

Here is a case of an article of British manufacture being supplanted in the foreign market of Syria by American manufacture. I do not fear competition if you do not tie up one of the hands of our manufacturers. [Viscount *Howick*: "Hear."] I suspect that it is not in reference to hours of labour that the noble Lord gives that cheer. I will at once say that the noble Lord refers to the Corn Laws. Upon a proper time and a proper occasion I shall be quite willing to enter into the argument—and to continue that, when the home market and foreign market are both considered, protection to British agriculture is for the present at least, the true interest of the British consumer and British manufacturer? That subject is not one that can fairly be introduced upon the present occasion; but suppose for the sake of argument, that the Corn Laws by their restrictions do limit industry, and do narrow the field of productive labour, more especially with reference to foreign competitors,—is there common sense, is there common justice, your Corn Laws being maintained, to support in addition to that restriction, a Measure which lessens by one sixth

the productive power of the country? A rise of price is not a possible mode of covering the loss which the diminution of time would produce; and if a rise of price is impossible, it necessarily follows that there must be a reduction of wages. If there be no reduction of wages the loss must fall upon capital, and one of two things must take place—either capital must be withdrawn from industry in this country, and embarked in other countries, or else it must be withdrawn from this particular business, which would fall into decay, and in either case a great and simultaneous fall of wages must inevitably ensue. If the reduction of wages be not immediate, it must be the ultimate consequence of commercial ruin occasioned by unsuccessful competition; if it be immediate, the only question is, what would be the *quantum* of that reduction? The noble Lord has repeated upon more than one occasion, the maxim, "What is morally wrong cannot be politically right"—the *onus* is with the noble Lord to prove that—labour as now carried on in this country is morally wrong. A bolder assumption either in fact or reason was never attempted. But admitting, in the broadest sense, the intimate connection between that which is morally right and that which is politically expedient, I am yet to learn that it would be possible to diminish the general scale of wages in the manufacturing districts without producing such general poverty, such physical degradation, such absence of all civilised manners and habits, as must lead to general confusion, almost to primitive barbarism, to desperate crime, and to such degradation in the whole scale of society as would be disgraceful to those who, foreseeing such consequences, do not endeavour to the utmost of their power, and at every hasard to prevent them. Whether the loss would fall upon capital, and, falling upon capital, lead to the abstraction of capital, or whether the fall of wages would be immediate, must be to the working classes a matter of complete indifference; for the loss, from whatever cause it proceeded, must cause a large diminution of the demand for the only article they possess—viz., their industry, and a consequent fall of wages and deterioration of their condition, and a diminution of everything necessary for their welfare must inevitably ensue. Talk of confiscation!—this Clause, if passed, will be a confiscation of the most extensive and of the very worst kind; it would be confiscation without compensation—it would lead to the deprivation of a large portion of the only property the great mass possess—a confiscation of one sixth part of their work which is their capital. Many confiscations have had the excuse of some supposed benefit for others; there is not that excuse in this case. It is quite clear that it places in great jeopardy the capital of others; and it places in the same jeopardy our national prosperity. What now let me ask is the only reason urged in favour of this proposition for taking away one-sixth of the labourer's capital? Would you propose it or agree to it except you believed it was for his benefit? If I could be satisfied that this matter was understood by the working classes, I should be prepared to pay great deference to their opinion. ["*Hear.*"] The hon. Member for Weymouth cheers. But who knows better than the hon. Member for Oldham the opinion of the working classes? What does he tell you. His words are—"They have got it into their heads that they work too hard and produce too much, and they think that if they did less, the manufacturers would get better prices, and the workmen better wages." Now, I think it is clear that prices cannot rise, and that wages will fall. I hold, then, that the leaders of this movement are more responsible than public men ever were for not setting before the working classes the truth of this matter. There is no slight point of difference between us, and until lately the noble Lord was not prepared to admit that his proposition if carried into effect would cause any reduction whatever in the rate and amount of wages. It is quite clear that the Member for Oldham, the noble Lord's great coadjutor maintained the opposite proposition in the last discussion. In all the meetings in the north too, an opposite doctrine was maintained. It has been generally asserted there that reducing the hours of labour would cause no reduction in wages. [Lord *Ashley*: "No, no."] The hon. Member for Knaresborough who has attended several of these meetings, is in his place, and we shall hear from him whether that doctrine was maintained or not. You have heard the opinion of the working classes as stated by the hon. Member for Oldham, the coadjutor of the noble Lord, the great champion of the ten hours' Bill. It is of the last importance that those who advocate this Measure should frankly and manfully state their own deliberate opinions, because, if the working classes are deceived in this matter—if they should be told that practically there will be but little difference between their fu-

ture wages and their present wages, and if this should lead them earnestly to press for the Measure, and disappointment should ensue—it will be no consolation to me—but I feel persuaded that the persons whom in their despair they will most blame are those to whom they will say, unjustly perhaps, but in bitterness of heart, "You have betrayed our real interests, while you flattered our hopes, and while you pandered to our passions." Therefore I do say to those who advocate this Measure, before God and man they are responsible for the frank declaration of their real opinions. If they contend that this Measure will not be attended with a fall of wages if they say to the working classes, "You may seek with perfect impunity, as far as it relates to your temporal interest, this infringement of your time and labour," that is a fair matter of debate. I think the Gentlemen who make this assertion wrong, and that it is our duty to discuss this point, and to convince them of error if we can. But that man is unpardonable who has a serious doubt on this matter, who believes that wages must fall, that profits cannot be maintained, that profits not being maintained with respect to foreign competition, and a rise in price being impossible, there must be an abstraction of capital, that the demand for labour being reduced thereby, a reduction of wages must ensue, and that the master having the strong hand, will diminish the cost of production its to minimum—the man who knows and feels the truth of all this, and still contends for this proposition, does incur greater responsibility than any which in my memory has attended the adoption of any line of policy. To my mind the ruin of the workmen is a clear and inevitable consequence; and there is no responsibility which I would not incur rather than the responsibility of supporting the proposition of the noble Lord. The noble Lord says, I seek to violate the principle of a representative Government, because I press for the reconsideration of this subject. If I had presumed to use the language of menace, and if I employed any influence but persuasion and argument, then I should be unpardonable. But so far as I am concerned, being resolved not to incur the responsibility of such a decision, I think it right to call upon the House while there is yet time to reconsider the matter, and to reflect seriously whether their judgment upon deliberation and full argument can be sustained. Surely there is nothing inconsistent with the conduct of a representative Government that those who generally have a majority of the Representatives with them, finding the House has come to a decision adverse to their own opinion, thinking the matter of great importance, and the decision adopted in opposition to their judgment erroneous and dangerous—surely there is nothing overbearing in saying they are prepared to retire from the Government should the House persevere in the course, which leads, as we think, to ruin and disaster. The noble Lord says this is a simple question of the *quantum* of reduction in wages. He relies upon some one whose name is not mentioned, for his statement, that the reduction of wages would not be one-sixth of the whole although the proposed reduction of the hours of labour is equal to one-sixth. Does that statement rest on any good authority? I have presented to the House a petition from 328 master manufacturers, employing 100,000 hands, paying 50,000*l.* a-week in wages, which is equal to 2,500,000*l.* a-year, whose property is rated at 160,000*l.* a-year, and they one and all state that the contemplated Measure would be fatal to the profits of their capital, and attended with a large and serious reduction of wages. The noble Lord has mentioned the name of Mr. Kenworthy, who has published a pamphlet on the subject; we have him, therefore, in black and white. He has given us his estimate of the reduction of wages consequent on the passing of a Ten Hours Bill; and it is very important, because the noble Lord cited him as a person of great authority, and on a former occasion his name was mentioned by the hon. Member for Oldham. He gives an estimate of what he thinks would be the effect, as bearing upon the cost-price of yarn, by the reduction of the hours of labour. The cost he says,

> "Of the yarn, as previously shown, would be about three-eighths of a penny more than at present per pound. But that sum, though small, as this description of cloth averages about 5lbs. of yarn to the piece, the whole cost would be about seven-eighths of a penny, and adding one to seven-eighths, and four to seven-eighths, the increased cost of the manufacture of twenty-five yards of cloth is 5*d.*, which is less than three-fourths of a penny per yard."

5*d.* upon twenty-five yards of cloth does not sound a very large loss; but that is the estimate of a ten hours' Clause; 5*d.* on every twenty-five yards will be the amount of the

increase of the cost of production; and twenty-five yards per day is a low estimate of produce of each loom. I should put it higher, but Mr. Kenworthy's admission of the practical effect of the Measure now under discussion is, that it is equal to an increase of 5*d.* cost to each twenty-five yards, and each loom producing twenty-five yards per day. "The loss to an establishment of 200 looms," he says, "is 4*l.* 3*s.* 4*d.* per day, which gives 20*l.* 16*s.* 8*d.* per week, and 3*l.* 2*s.* 6*d.* for the Saturday, which is a short time day." In any manufactory, then, of 200 looms there would be a loss of 23*l.* 19*s.* 6*d.* per week, for fifty weeks compared to the law as it now stands or a loss of 1,196*l.* Such a mill could be worked with a capital of 12,000*l.* (fixed and floating), and thus the loss would be within a fraction of 10 per cent. on the capital. I have had this statement tested by a most competent authority. It is a calculation drawn from the admissions of a great advocate of the ten hours' Bill. I apply the same test to a new concern established near Manchester in December last, with 1,600 looms a-week. The loss then would be 33*l.* 6*s.* 8*d.* per day, 191*l.* 13*s.* 4*d.* per week, and 9,583*l.* per annum, a sum equivalent to a loss of 5 per cent. upon a capital of 190,000*l.* These are the interests which, if this Measure were passed, we should injure and destroy, and I believe we should thus give the deathblow to the manufacturing industry of the country. It is important, since I take so firm a stand upon a subject likely to expose me to so much obloquy, that I should show why I have formed so strong a conviction. The noble Lord says, putting the loss at one-sixth is much too high an estimate of the effect likely to be produced by the diminution of the hours of labour. His estimate of the loss upon wages is probably about one-twelfth, and not one-sixth. I am informed that the fixed charges of production, independent of wages, are very nearly equal to the amount of wages, and if you have a loss of one twelfth upon wages, you will have a loss of one-twelfth upon the fixed capital engaged in the production, making together a loss of one-sixth. Unless, therefore, you are prepared to suppose that with this diminution of quantity there will be a corresponding increase of price, I cannot believe that any misfortune which could befall the working classes would be more disastrous or fatal than the reduction of 20 per cent. in the value of their labour. I am sorry the noble Lord the Member for London is not in his place, as he is the representative of the great metropolis of the commercial world. In 1839, when the noble Lord was responsible for the conduct of public affairs, and when the Lord, the Member for Dorsetshire made his proposition, limiting labour to ten hours a day, that noble Lord, the Member for London, declared that whatever shortened the hours of labour, with the present high price of provisions, would be a proposition of the greatest inhumanity, and, if carried into effect, would be most cruel in its operation. That was the view of the noble Lord, the Member for London, now representing the great emporium of the commerce of the Empire. He, the Minister of the Crown, said, that he should vote against the proposition of the noble Lord, the Member for Dorsetshire, because it was an act of great inhumanity. I, then in opposition to the noble Lord, and to his general policy, having been, with him, a party to the original restrictions upon factory labour, was willing to share in the obloquy of voting against the ten hours Clause, because, distinctly, upon the moral view of the quesition I, did concur, and I do still concur, in the opinion,—quite contrary to the intention of those who promote the Measure—that it will be in its practical effects and results, both inhuman and cruel. But is that all? The noble Lord did not then represent the City of London; but he was then responsible for the conduct of public affairs. Did the noble Lord change his opinion after he went into opposition, up to the present Session? By no means. The noble Lord, after his election for London, and representing that City, so late as 1842, leading a powerful party against the Government, heard there was a rumour that the Ministers were vacillating upon this particular question—that they had interviews with Ten Hours deputations, and meant to introduce a Ten Hours Bill, and accordingly, on the first day of the Session, 1842, jealous upon the subject, thinking that the Government were about to give way to popular impulse and popular feeling in a manner which he considered dangerous to the national interests — on the 3d of February, 1842, in the present Parliament, the noble Lord representing the City of London, and dealing with the commercial part of this question, called the attention of the House to the subject. In 1839, he spoke of its moral effect; he called it a cruel "Measure;" in

1842 he took a commercial view of it in these words:—

"We have heard much of such things since the last Session of Parliament; and much has been said of remedies of totally different classes which have been suggested, and in accordance with many of which it has been represented that Her Majesty's Ministers were disposed to act. There were, first, the delegates with respect to the Ten Hours Factory Bill, and after their somewhat theatrical interview with the right hon. Baronet, and other Members of the Government, and a great deal of stage display, they thought fit to encourage the hope—no doubt raised first by the Gentlemen who came to the Government in favour of the Ten Hours Bill, and who turned out after all to be the Socialist Editors of some new *Moral World*, that the attention of the Government would be given to the subject. But now it appears from a letter written some short time ago, to a noble Lord, who is most sincere, I believe, in his exertions on this point, that the right hon. Baronet, who I have no doubt is no less earnest, and is actuated by motives no less praiseworthy, but with more wisdom and caution, is ready to oppose the Ten Hours Bill, and that limit of labour which, if adopted, would cut to the roots the manufacturing prosperity of this country, will not give his assent to such a Measure."

Thus in 1839, you have the noble Lord, then the responsible Minister of the Crown, declaring this proposition to be inhuman and cruel; and, in 1842, when representing the City of London, declaring that "it would cut to the roots the manufacturing prosperity of the country." Though the noble Lord is now absent, I hope before the debate is over, we shall have an opportunity of hearing what new facts and circumstances have come to light to induce him to change his opinion. I voted with him in 1839, I voted with him in 1842; and regardless of the obloquy and the consequences of adhering to the opinion which the noble Lord then expressed, it is my determination to give to the Motion of the noble Lord, the Member for Dorsetshire, the most uncompromising opposition. That noble Lord, referring to the treatment which this House is alleged to have received at the hands of Her Majesty's Government, and intimating that there had been some vacillating on our part, says, "Why did you not tell us you entertained a strong opinion on the subject?" What could have been so strong as voting, in 1839, against our intimate Friend and supporter, the noble Lord himself, and with the then Government, to which we were generally opposed? Although sitting in opposition and trying to overthrow the Administration, we did not yield an inch. Again, when the present Administration was formed, the noble Lord gave us to understand, in the most emphatic manner, that unless we adopted his view on this question, he was not prepared to take part in our councils, and because we refused our assent, as he was distinctly told, we lost his services. [Lord *Ashley*, "No."] From what then occurred, no room was left to expect any vacillation on the part of any Member of the Government. I believe that the noble Lord's proposition is peculiarly inexpedient at the present juncture when the commerce and the trade of the country, which have too long languished, are just beginning to revive. I believe the Measure itself to be dangerous, and I am quite satisfied that, if you adopt it, it will ultimately prove destructive of the interests of the working classes. Entertaining these opinions, come what may, I shall vote against it.

Lord *Ashley* wished to explain, in reply to the statement of the right hon. Baronet, that a distinct answer had been given to him as to the intentions of the Government respecting this Measure. He certainly never would accept office, under any circumstances, if aware that the Government were opposed to the Measure. But it did so happen, that no answer was given to him as to the intentions of the Government upon the subject, and he did not know whether the Government would accept or reject his proposition for a reduction of labour.

Lord *Howick*:*—Sir, I shall certainly accept the challenge of the right hon. Baronet, the Secretary of State, to those who support the Amendment of my noble Friend, and I shall state distinctly my opinion on the important point of the probable effect which would be produced upon wages by the proposed alteration; but before I do this, I must revert to something that was said by the right hon. Baronet at the commencement of his speech which I heard with very great regret. When this subject was last discussed, the right hon. Baronet at the head of the Government disclaimed in a manner which I had hoped that I understood, having held out any threat to the House; I firmly believed and I hoped that what the right hon. Baronet meant was, that in the event of being defeated upon this question, Ministers did not contemplate retiring from the service

* From a corrected Report.

of the Crown, as it had been rumoured they would; but, Sir, it now appears that I was mistaken, for the right hon. Baronet the Secretary of State has just distinctly told us, that should this Clause be carried, he would not as a Minister of the Crown consent to its coming into operation, and that his resignation will be the consequence of the success of my noble Friend. The right hon. Baronet says, in defence of this determination, that no tyranny could be greater than to expect that a Minister should remain in power when the House requires a course to be taken, which he believes will prove fatal to the interests of the country. In general, no doubt, this is true; it is clearly the duty of a Minister to retire from the service of the Crown, if he finds that on some great question of policy the House is opposed to him; but it is no less obvious, that if the operation of this rule is pushed beyond a certain point, there is an end to the deliberative power of the Legislature and I appeal to the House whether the question before us is one of those great questions of principle to which alone the rule can properly be applied. How is it possible to call this a question of that kind when it is admitted on all sides that the right hon. Baronet's own Bill has the same object in view and proceeds upon the same principle as the Clause proposed by my noble Friend—the principle of both is the same, that of assigning by law a limit to the hours of labour for women and young persons, and the difference between us is simply as to where that limit should be fixed, and whether Ten Hours or Twelve Hours of labour shall be allowed. This most clearly is a question, not of principle but of detail, and in all such cases when the opinion of the House is against the Government of the day, when no great principle is at stake, and no disapprobation of their general policy is meant to be implied, it is the duty of the Government to bow to the decision of the House. If it were not so, a representative Government could not practically work; in this very instance the right hon. Baronet knows that those who are agreed on this question are wide as the poles asunder in their opinions upon almost every other subject, and that therefore the resignation of a Ministry upon a question of this kind, involving no great principle which unites their opponents, would render it impracticable to form any Government whatever. Compare this case with the course pursued by the right hon. Baronet at the head of the Government on another occasion; not very many years ago that right hon. Baronet who was then, as now, the leader of the Government in this House, offered the utmost resistance in his power to the Motion of my noble Friend the Member for the City of London, for the repeal of the Test and Corporation Acts. That Motion was carried, but did the right hon. Gentleman resign? No, he acquiesced in the decision of the House, the Bill was passed, and the colleagues of the right hon. Baronet actually were the means of carrying it through the House of Lords, so that it became the law of the land. Will any man tell me that the repeal of the Test and Corporation Acts was less a question of principle than that now before us? yet the conduct of the Government upon that occasion was universally approved. I again repeat, that to maintain that a Government ought not to give way on a point of this kind, would be a most dangerous invasion on the deliberative powers of the House. I will now turn to the subject more immediately under discussion. It is, Sir, I think, admitted, that upon the opponents of the Amendment lies the burthen of proving that by adopting it we should incur some great and overwhelming inconvenience, which renders it incumbent upon us to refuse to make a change, which in itself none can deny to be most desirable. It must not be lost sight of, that when we take upon us to regulate by law the hours of labour, the Legislature virtually lends its countenance and sanction to the practice of requiring that number of hours of labour which we say shall be the maximum; it is a very different thing from not interfering at all, and allowing, merely by the absence of any legislative provision upon the subject, longer hours than we may perhaps approve to be required. When the Legislature steps in and says, that beyond a certain limit labour shall not be carried, it does in effect declare, that up to that limit there is no objection to going; and this being the case, is it possible to deny that it is most desirable so to fix that limit, that less than twelve hours of daily labour may be required from women and young persons? In support of this opinion, we have first the authority of the officers of the Government itself; the Inspectors of Fac-

tories, in their Reports, which are on the Table, have declared that it is the result of their experience, and that of the medical gentlemen they have consulted, that twelve hours' work is too much to require from women and young persons. But more than this, our own common sense tells us the same thing; who is there that does not feel that ten hours a day in a standing position with at times considerable exertion, in addition to the time required for meals, and about an hour for coming and going from the mill, is at least as much fatigue as you should require women and young persons to undergo? We must all, therefore agree, that it would be most desirable, if it were possible, to reduce the number of hours of labour to ten; but the right hon. Baronet contends that this would necessarily occasion so great a fall of wages, and so much danger to our foreign trade, that the real injury to the working classes would far exceed any advantages they could derive from the change; and the all-important point we have to consider is whether this is really the case. In considering this question I am prepared to admit, for the sake of argument, that a reduction in the hours of labour would cause a proportionate diminution in the amount of work done; I admit this, I say, for the sake of argument, but in point of fact, I utterly disbelieve that it would be the case. I disbelieve it, in the first place, because my noble Friend opposite (Lord Ashley) has produced a great deal of evidence from persons fully informed and of much experience, who all concur in saying that no such effect would follow. But I disbelieve it still more, because it seems to me impossible that women and young persons who have already been toiling for ten hours in a factory can do as much work, and do it as well, in two more hours, as they did in the two first hours of the morning, when they came fresh and unwearied to their task. But, as I said before, let us, for the sake of argument, assume that the quantity of goods produced will be diminished in the same proportion as the hours of labour, the question is, how will this diminution affect the rate of wages? If the goods were intended only for the home market, it will no doubt be admitted that neither the profit of the manufacturers nor the wages of the persons they employed could fall lower than profits and wages in other occupations; the tendency which there always is in wages and profits to find their level would effectually prevent any such result. The produce of a given amount of capital and labour would still exchange for the produce of a like amount of capital and labour in other trades; and if labour in factories became less productive, the result would be that a smaller amount than before of the produce of such labour would be obtained in exchange for a certain amount of corn or other commodities; in other words, the price of the goods affected by the new regulation would rise. There would be a less abundant supply than at present for the use of the population of certain articles principally of clothing. This, no doubt, would be an evil, but the burthen would fall upon the whole community. Such would be the operation of the change proposed by my noble Friend if factories supplying the home market only were concerned; but in point of fact I am well aware that the measure affects manufactures supplying a very large part of our export trade; and such being the case, the right hon. Baronet contends, that diminished production can only have one of three effects—he says it might raise the prices of the goods produced, or it might diminish profits, or failing these, it must occasion a fall of wages. But an increase of price, the right hon. Baronet says is impossible, because in the foreign market where these goods are sold, we have to meet the manufactures of other countries, and the competition with these is already so close, that even a small increase in the price of our goods, would give so decided an advantage to our rivals, as entirely to drive us from the field. Profits too, the right hon. Baronet has justly stated. are too low to make any further reduction: and the whole loss, he therefore contends, must necessarily fall upon the wages of labour. Now, Sir, in this argument plausible as it sounds, it seems to me, that there is a great fallacy, and that the mistake which the right hon. Baronet has made is that of supposing that the profit of the manufacturer depends entirely on the price obtained for his goods in the foreign market. This, Sir, I contend is not the case; the expense of remitting home to this country the amount of the consignment must also be considered. Any practical merchant, I believe, would bear me out in this assertion, and would

tell you, that if, for instance, you sent a cargo of cotton goods to Rio, the price per yard of your calico remaining the same, the speculation might be a losing one if you had to pay a heavy premium for a bill of exchange; or a profitable one if by a different state of the exchanges you had to receive, instead of to pay, the premium. This results from that which has been to a great extent overlooked in the arguments upon this subject—namely, that the whole of our export trade is in point of fact a barter of one description of goods for another. Our export trade I conceive to arise from this circumstance—that there are a great number of articles which either cannot be produced here at all, or not so well as in foreign countries, and that to meet this demand our manufacturers produce those goods which our merchants find by experience to afford the best means of paying for the commodities we require from abroad. It is to pay for the tea, the wine, the coffee, the sugar, the tobacco, and the various other goods which are consumed in this country, that the vast hives of manufacturing industry in Yorkshire and in Lancashire are set in motion. Now this being the real nature of our trade, I wish to ask how it is possible, even if the Amendment of my noble Friend be carried, and if it should in some degree increase the cost of production in factories, how this could diminish our power of carrying on our foreign trade? would the demand for foreign produce in this country cease?—would the desire to obtain coffee, tobacco and wine—the mainspring of the whole machinery of our commerce — fail in consequence of the adoption of the Amendment? We know that it would not, and if not, these articles would continue to be imported and our merchants to seek the means of paying for them; the goods too, which we have heretofore sent, would be as available for that purpose as before; they would not be deteriorated in quality and the only effect which, in my opinion, we should have reason to dread from foreign competition would be this, that it would compel us to give a larger amount of the produce of our own labour for the articles we should continue to import. [Mr. *Roebuck*; "Hear, hear."] I shall presently explain to the hon. and learned Gentleman what I mean by that statement. I do not deny that to a certain extent this would be an inconvenience to the country, but what I wish to show is this, that the inconvenience would not fall exclusively upon our manufacturers or upon those whom they employ, but that it would fall where it ought to fall, upon the community at large, in the shape of a somewhat increased price of foreign commodities. Instead of endangering the safety of our trade and producing that extraordinary reduction of wages which the right hon. Baronet anticipates, I maintain that all we should have to apprehend from the Amendment of my noble Friend would be a comparatively small diminution in the returns we should get from foreign countries for the manufactured goods we export. I am far from denying that any such diminution in the whole amount of commodities we can consume, any reduction whatever in the national power of production is in itself an evil, but I am perfectly persuaded that the real diminution in the whole produce of the national industry which could thus be occasioned, would be far too small sensibly to affect the comfort of the people, it would, therefore, be an evil very different indeed from that which the right hon. Baronet would teach us to fear, and is not sufficient to deter me from accomplishing what I think the undoubted good of relieving the helpless classes of the population from an excessive amount of toil. I am well aware that this is not the view which is generally taken of our export trade, and of the extent of the danger to which it is exposed by the competition of foreign manufactures, but I am not the less persuaded that it is a just one. That trade is in reality but a barter of one sort of goods for another we see easily enough in the infancy of commerce; when the enterprising mariners of antiquity exchanged the manufactures of the earliest civilized communities for the tin of the then rude inhabitants of this country—when at this day we send to the coast of Africa calico or hardware to be exchanged for palm oil and gold dust there can be no doubt as to the real character of the transaction, and all the complicated dealings of civilized nations with each other are in truth of the very same nature, the money or bills of exchange by which payments are made, are nothing more than the instruments to facilitate a larger and more extensive barter. Hence, whenever the inhabitants of any country have a strong desire to consume articles produced by foreign nations—when they

have also the power of themselves producing articles, which, directly or indirectly, others are ready to accept in exchange for what they want, they will carry on foreign trade so long as they are willing to give the produce of their labour in sufficient quantity to purchase those goods which they wish to consume. No foreign competition can prevent this; all that it can do is to compel a country having such a competition to encounter, to make a greater sacrifice of the produce of its own labour to purchase a given quantity of foreign goods than might otherwise be required. It is, therefore, the amount of foreign produce which this country imports, not the competition of rival manufactures, which really limits our export trade. Sir, I think it is no slight evidence in favour of this view of the subject, that it affords a simple and easy explanation of facts, which, on the principles of the right hon. Baronet, it is very difficult to account for. If it be true, as he has argued, that the power of the manufacturers of different countries to compete with each other in third markets depends entirely upon the comparative cost of producing their goods,—if this be true, how comes it, I ask, that Switzerland, as he has himself told us, is at this moment competing very closely with us in many descriptions of goods? We know that Switzerland receives the raw material and sends back her manufactured goods by a long land carriage, or by an inland navigation hardly less expensive, and I ask how it is possible, that in spite of this great disadvantage, she can still compete with us in distant markets? The right hon. Baronet says, that she has the advantage of cheap water power, but we know perfectly well that the advantage of water power is so slight in comparison with that of situation, that the great water power of the Highlands of Scotland, accessible as they now are by good roads, has not been able to draw away our manufacturing industry from Manchester where steam is the moving power employed. The advantage of situation is infinitely more against Switzerland than against the Highlands, yet she is able to compete with us. And why? Switzerland requires certain articles of foreign produce for her consumption—for these she must pay—she has not the power of greatly extending her agriculture, and she is thus driven to manufactures, and she exports them, not because she can produce them cheaper than us, but because her industrious people are willing to give in this form so much of the produce of their labour as is required to purchase what they want. No doubt the want of better channels of communication is a serious evil to her; not by preventing her from exporting her manufactured goods, but by diminishing the return she obtains for them, it renders her industry less productive than it otherwise would be. Yet, after all, I believe that industry in Switzerland is not ill rewarded, because, alone of European nations, Switzerland has had the wisdom not to add to the effect of her natural disadvantages, by imposing restrictions on the freedom of commerce. The right hon. Baronet mentioned the still stronger case of the United States of America, whose manufactured goods, he said, were driving us out of many neutral markets. I believe the fact to be as the right hon. Baronet has stated it; but how upon his own principles does he account for it? It is notorious, that both the rate of wages and the rate of profit are greatly higher in North America than in this country;—what advantage have the manufacturers of the United States in return? I know of none; certainly they have none in the price of the raw material, for the voyage from New Orleans to the manufacturing districts of North America is not less expensive than that to Liverpool; and I believe that a bale of cotton in bond at Liverpool is at this moment cheaper than it would be delivered in a Massachusets factory, It is not, therefore, the lower price of the raw material that enables the North American manufacturer to meet us successfully in the Chinese market,—the real cause of doing so is that which I saw stated only a few days ago in a China trade circular namely, that tea, being admitted into the United States either at a very light duty or altogether free, its consumption there is rapidly increasing, and the American manufacturers produce their goods because this is found to be the cheapest way of paying for the tea their countrymen require. I have no doubt that if you calculate the expense in money at which goods are produced by the American and British manufacturer, you would find that a yard of cotton costs much less in Manchester than in the United States; but this does not prevent the American manufacturer from sending his goods to

China, in spite of our competition, because he finds that upon the whole, by bringing back tea, he can do so to advantage. I have no doubt we might, if we pleased, at once put an end to this competition with us of America in the China market; I am convinced, that if we would consent to receive the corn of America in this country the American merchant would find it more advantageous to send corn here to purchase manufactured goods to send to China, than to produce and send there his own manufactures. But by our laws we will not allow this to take place; the corn of America cannot be sent to China: for our manufactures, to the extent required, she has not the means of paying; and, therefore against nature, which intended that the more fully peopled country should produce manufactures and that a half peopled one should be chiefly agricultural, we compel the American merchant to pay for the tea his countrymen consume, not with British but American manufactures. The conclusion, then, to which I come is, that the apprehension of ruin to our trade by the competition of foreign manufactures in the event of the success of my noble Friend's proposal, is altogether visionary; and the fall of wages anticipated from that ruin of our trade is equally improbable. All that we should have really to fear would be a diminution, to a certain extent, of the productive power of the country, which would be felt by the whole community in the slightly increased cost both of the manufactures we require for our own consumption, and also of the foreign commodities which are paid for by the exportation of manufactured goods. With respect to the home supply of manufactured goods, it is obvious that its diminution, owing to the reduction of the hours of labour, would, so far as it went, be an injury to the consumer; but I cannot believe that this injury would be seriously felt, since we know that so great has been the improvement of machinery, that ten hours' labour now would produce a far greater quantity of goods than twelve hours' labour but a few years ago. To limit the hours of labour to ten instead of twelve, would, therefore, merely put us back in respect to the supply of goods to where we were a short time ago; and the progress of improvement still continues to be so rapid, that there can be no doubt that in two or three years more we should recover the ground so lost. So far therefore, as the supply of our own population with home manufactures is concerned, the loss which would fall upon the country, would scarcely deserve consideration; the loss in the importation of foreign commodities would also, I am persuaded, be very small. But whether small or large, we should always have the remedy in our own hands, since, by repealing the restrictions on foreign goods, and reducing what are miscalled protecting duties, we could at any time more than restore the productive power of our industry in purchasing the commodities of other countries. Shall we, then, maintain a law which it is admitted requires more labour from women and young persons than they ought to be called upon to perform, for the sake of bolstering up our vicious protective system? Still, Sir, I admit that some reduction of wages will probably follow if my noble Friend's proposition should be adopted. There would be a reduction in two ways; first, those engaged in factories would suffer in the trifling degree I have described, in common with the rest of the community, from the general diminution of the productive power of the country; but they would also lose to a certain degree in another way. We know that relative wages in different employments in this country are determined by their comparative advantages; if a particlar kind of labour is more severe or unhealthy than another, it is paid higher in proportion; therefore if the amount of toil were reduced in one class of employments, some reduction in wages must be expected, or their comparative advantages would be increased, which competition would not allow. I believe, therefore, that a reduction of mere weekly money wages would be occasioned by the adoption of the Clause before us, but I entirely concur with my noble Friend, in thinking that for such a fall of wages as I should anticipate, the working classes would find ample compensation. There would, as he has observed, be some compensation in the greater economy with which they would be able to live, but what is far more important they would economise in health and strength. Health to the working man is not merely as it is to all, the first essential to happiness, but it is also money. When health fails, wages fail also, and we know how great is the distress in a poor man's family when

his expenses are increased by sickness, and at the same time his only income fails him. Knowing this, we must also remember that all medical men have declared that twelve hours' labour is more than women and young persons can long endure without injury to their health. Taking all these things into account, if you consider the greater economy the labouring classes would be enabled to exercise—the improvement in health, and diminished necessity for medical attendance—the smaller number of days in the year, which on an average would be subtracted by sickness from their earnings, as well as the prolonged duration of the years of labour—and if you calculate, not the wages of one day, or one week, or even of one single year, but of a series of years—when you look at the question in this manner, I am persuaded you will find that the change proposed by my noble Friend, though it might make some reduction in nominal wages, would make no reduction in the wages really available for the purposes of enjoyment, and comfort to the manufacturing classes of this country. In this persuasion I shall support the Clause proposed by my noble Friend, and I cannot help expressing my deep regret at the course which Her Majesty's Government has thought proper to take on this subject. After the divisions of a former night it was, in my opinion their duty to have acquiesced in that compromise which it is clear the majority of the House was disposed to accept. I cannot, for one, look without great apprehension at what may be the consequence of their now prevailing on the House to rescind its past decisions. I believe it is not denied, that whether their reasons for it are mistaken or not the great body of the working classes in the manufacturing districts are in favour of this Amendment—I do not understand even the right hon. Baronet himself to contest this point—and such being the case, knowing the great intelligence of these men, and how well many of them are able to judge of their own interests and of the principles involved in this question, I must say, that their opinion has with me the greatest weight. But further, I will ask, is it not dangerous that this House should be induced by what is undoubtedly an unusual exercise of Ministerial influence, to set aside the decision to which it has more than once deliberately come? Considering the state of mind of the working classes in the manufacturing districts, is not this a step it is most hazardous to take? Already much dissatisfaction exists as to the constitution of this House; the working classes complain that they are not directly represented; and but a short time ago a general disposition showed itself—which I fear is not yet by any means extinct—to insist upon what seemed to me very wild and dangerous alterations in the representation of the people. All these things are notorious; and knowing them, can we think it a wise or a safe experiment to shake the confidence of the working classes in this House by showing that we can be so easily induced by Ministerial influence to retract our recorded and deliberate decision on a point in which their interests are so deeply involved—to show that upon such a point we are prepared to set at nought the opinion of those most deeply interested, and refusing to listen even to the most reasonable compromise—that we are determined to maintain without any alteration a law which, in fact prescribes a number of hours for labour which no man denies that it is unreasonable to require? I own this does appear to me to be a hazardous experiment on the temper of the population in our manufacturing districts; so much so, that even if on former occasions I had voted against my noble Friend the Member for Dorsetshire, I should have hesitated to repeat that vote—I should have shrunk with apprehension from being one of those to induce the House to alter the decision it had previously come to. If injurious consequences should result from our doing so, the exclusive responsibility for these consequences will rest on Her Majesty's Ministers; but I, for one, hope and trust that the working classes will be patient. They may be certain, that although what they desire may be postponed it is virtually carried. [*A cry of* "No."] Yes, virtually carried; for I believe, in the whole course of our Parliamentary history, no instance can be found of any great question in which the great body of the people took so deep an interest having so nearly triumphed without being ultimately brought to a successful issue. How long the struggle may be protracted I know not; but of what must be its final result I entertain not the slightest doubt; and I can hardly help asking Her Majesty's Ministers whether they are not themselves, in their hearts persuaded that

it can only end in one way; and if in the end concession will be inevitable, is it wise to allow the struggle to be continued?

Mr. *Liddell* could not help observing that the noble Lord had so qualified some of his propositions as somewhat to perplex his arguments, and, if he were not much mistaken, his supporters also. Among the noble Lord's other arguments, however, in support of the proposition of the noble Lord the Member for Dorsetshire, he said that a remission of the duties on foreign produce would balance any of the evils which it was alleged would arise from the noble Lord's plan. He must say, that he thought that argument of the noble Lord misplaced, and he therefore would not follow him into it. As, however, he had not been present at the former discussions he wished now to state the reasons which guided him in giving his support to Her Majesty's Ministers on this question. Never since he had held a seat in Parliament had he experienced so much difficulty in reconciling his feelings with his judgment as he had done on the present occasion. His feeling was entirely with the noble Lord (Lord Ashley), but after the most deliberate and careful exercise of his judgment he felt bound to vote for the Bill of the Government. He was with the noble Lord in feeling, because the noble Lord proposed by a compulsory restriction on the hours of labour to confer a vast benefit on large classes of the people. Now he confessed he did not look on the proposition as being either so very novel or very unreasonable. Practically, a similar restriction existed on other kinds of labour. He did not know whether or not it was under the operation of any old law, but agricultural labourers, bricklayers, masons, and many others, laboured only from six o'clock in the morning till six in the afternoon, two hours being allowed them in the interval for refreshment and rest. And they were also to be seen working in their gardens after their day's labour. In all these respects his feelings went along with the noble Lord the Member for Dorsetshire, and nothing but the deep reflection he had bestowed on the subject, the confidence he entertained in the views of the Government, his knowledge of the care they had bestowed on the subject, and of the liability to official responsibility under which they acted, would have induced him to withhold his support from the noble Lord. Here was a Bill brought in by Her Majesty's Government for the express protection of labour. To what extent did it go? Why, to so great an extent, that ultra-economists in that House considered that principle had been greatly trenched upon in it. They dissented from the grounds on which it was sought to protect adult female labour. Upon the subject of infant labour there was no doubt. It was admitted on all hands that it was the duty of the state to place itself *in loco parentis,* in cases where the cupidity of parents was subjecting their children to excessive labour. He (Mr. Liddell) thought that the same principle ought to be extended to adult female labour, and the measure of the Government did go to a great extent in doing so. But, on the other hand, it was with some pain that he (Mr. Liddell) said that he could not consider Her Majesty's Government had on this occasion acted with their usual foresight, consideration, and ability. If the Government were prepared to take so rigid a stand upon this question—if they were prepared to refuse to enter into any compromise in spite of the decision of that House—it appeared to him that they ought at least, as the noble Lord said, to have made their opinions and intentions manifest to their friends and supporters in that House. Not having done so they had been exposed to considerable public censure. He did not hesitate from his own knowledge to say, that if it had been known that so great an importance was attached to the twelve hours Clause—[*Ironical Cheers.*] hon. Gentlemen might cheer before they heard the end of the sentence—but had the wishes of the Government been known, many Members who under the influence of those vague feelings which he confessed led him towards the noble Lord's proposition, had voted for that proposition, would, after examining more closely all the arguments, have come to the conclusion he had himself come to. The feeling in the case was obvious and on the surface—the reasoning was not so, and he believed that a more careful consideration of the subject would have induced those Members to have refrained from voting, in which case they would have been very differently situated from their present position, after having given their vote in favour of the noble Lord's proposition. Why, some of those hon. Gentlemen had already said that they would retract the votes they gave on a former occasion. If some hon. Members had done this, was it so very unreasonable or extraordinary to suppose that others might be found who, although

they would not perhaps, retract their vote, yet would not have given their vote had they been fully aware of the real state of the case? Looking at the matter in this point of view he had no hesitation in saying that the Government had not acted with their usual foresight and prudence in not having given their supporters some intimation of their intentions. But, although, he thus found fault with the management of his right hon. Friend at the head of the Home Department, yet he did not the less give him credit for honesty and sincerity of purpose. The noble Lord who had just sat down had told them that this was not, in his opinion, a question that called for any threat of resignation on the part of the Government, adding, that a great question of this kind ought to be tried on its own merits, and not at the will and pleasure of the Government. Had the noble Lord considered the provisions of this measure? Was he not aware that no Government could bring forward a measure of this nature, affecting such extensive interests and acting so directly on large masses of labour without much previous conference and understanding with the parties immediately concerned? And, if the right hon. Baronet felt bound to adhere to the arrangements so made by him with the parties concerned, surely the noble Lord ought not to blame him for adhering to such an arrangement, and for saying, that rather than agree to a dishonourable compromise he would retire from office? No man could regret more than he did that the right hon. Baronet should assert such a determination; but he was certainly right in resisting what he thought to be an imprudent and impolitic measure. He did not see what fault could be found with the course the Government had pursued with respect to the recent proceedings as to this measure. They had not attempted to influence their friends by corrupt means; for if there was a majority against them, it would be a majority composed of Friends, and headed by the noble Lord, their own supporter. Another charge that was often made against the Government was that of truckling to their opponents and yielding to the pressure from without. But it was because they had not yielded to that pressure that they were placed in their present position. Under these circumstances he could only suppose the conduct of the Government to be guided by a sense of their responsibility, and a belief that any compromise in the case would be a detriment and an injury to those classes to benefit whom the measure was introduced. For all these reasons, painful as it was to him to differ with those on his own side who supported the Measure of the noble Lord, he felt bound to vote with the Government.

Mr. *Bernal* begged to call the attention of the right hon. Baronet, the Secretary for the Home Department, to his allegation that the noble Lord, the Member for Dorsetshire, had changed his tactics on the present occasion, and had taken up the question on those commercial grounds, which, on a former occasion, he had expressly abandoned. Now, if that charge was to be made against the noble Lord, he must beg to call the attention of the House to the manner in which hon. Gentlemen opposite also had shifted their ground in the arguments they had adopted to-night, as compared with those used by them on the former occasions when the subject was before the House. It would be fully in the recollection of the House, that the question was before argued on the other side as one of principle, and not of degree. But now a wholly different ground was taken by the supporters of the Government, and surely if the noble Lord, the Member for Dorsetshire, was to be charged with shifting his ground, those hon. Gentlemen were chargeable with it also. The right hon. Baronet opposite had, on a recent occasion, given utterance to sentiments marked by equal good feeling and good taste, on the subject of the necessity of devising some measures for securing the moral and physical condition of the people, and, above all, of providing them with the means of healthful and innocent recreation. Good God! how were people who worked twelve or fourteen hours a day to have recreation? Going to work at half-past six o'clock in the morning, and not leaving until half-past seven in the evening, where was their opportunity for the enjoyment of recreation? And when those who supported the ten hours' proposition were charged, by direct or indirect insinuation, with pandering to the passions of the people, were not those chargeable also with something very like hypocrisy who talked of providing them healthful recreation? But he did not like to retort, or say anything that might savour of injustice in argument. Surely there were grounds enough on which he might retort charges against the supporters of the Government Measure. Throughout the whole of the discussion on this Measure, there had been

contradictions which to him were quite puzzling. On the one hand, these factories were asserted to be earthly Paradises; on the other they were declared to be receptacles of misery reeking with disease. Now, although he much respected the manufacturers as a body, and thought them a most valuable class of men, yet he was no more disposed fully to credit everything that was said on their side, than he was to deny all that was said on the other. There were other means, however, of coming to an opinion. Deputations from the operatives of Lancashire and Yorkshire had come up to state their views to Members of that House. Among others, they had called upon him. The very first question he put to them was, whether they were prepared to enter into a consideration of the chance of an abatement of their wages, should this Measure be adopted? They said they had considered the question. Now, he asked those hon. Gentlemen who had been present at the great meetings in the manufacturing districts whether this chance had been fairly laid before the artizans? Had not the case of wages been fairly laid before the operatives? Had not the statements of the hon. Member for Oldham upon this point been commented upon forcibly, but with wary ingenuity, by the right hon. Baronet, the Home Secretary, misrepresenting the purpose and tenor of the hon. Gentleman's argument? Was it denied, that the operatives of the country had heard the case stated to them as to the possible reduction of wages? "Sir," continued the hon. Gentleman, "they have! For myself, I can say, that I put repeated, and searching, and sifting questions to those who called upon me as the committee of the operatives, as to whether the point had been considered by them. They declared it had. When I referred to the probable proportions of reduction in wages, they mentioned one-eighth as what they thought of. I said distinctly, many Members would not like to consent to an abatement of their wages. They said, strongly, 'What we look to is the increase of our domestic comforts; we look to domestic thrift and economy. You must be aware,' they explained, 'that when families are separated in different departments of factories, considerable waste in their total consumption is occasioned by the consequent subdivision into different meals. Then again,' they added, 'there are certain domestic avocations, perhaps appearing insignificant enough to wealthier classes, but involving all to the poor in the way of domestic comfort, no unimportant incidents in their "short and simple annals," such as mending of clothes, and all the little attentions to the economy of home—these things cannot be carefully regarded when a whole family are engaged in the various departments of the factory.' Such were the arguments which the operatives put *per contra* (in mercantile phrase) against the reduction of wages. And there are Gentlemen here who are called upon to state succinctly whether they do not know the case, as respects wages, has been placed fairly and fully before the operatives at the recent meetings in the manufacturing districts. Sir, if there be any Member who, knowing that the wages of the mechanic would be reduced by the ten hours' Measure, should conceal that from the operatives he addressed, he would indeed be guilty of 'pandering to the passions of the people.' But those who believe, even supposing that some reduction of wages would ensue, that it would be amply compensated, mentally and morally, by the increased comforts of home, through an augmented attention to all the duties of home—those who believe this, and therefore support the humane Measure now proposed with that object—they cannot be charged with 'pandering to the passions of the people.' And I, for one, hope that they will continue to support that Measure, notwithstanding all the taunts thrown out against them. This, of course, is not according to the doctrines and the dogmas of political economy. But whatever of sagacity there may be in the philosophy of Adam Smith, of Ricardo, or of Senior, this I cannot help feeling, that you cannot deal with human beings as with chessmen. You cannot deal with beings who have souls as well as bodies as though they were mere mute figures on a board—human beings with passions, and feelings, and habits, cannot be moulded or moved about as the 'pawns,' and the 'knights' of chess. You cannot sit down at a table and square down human nature to the rigid regularity of your abstract theories. It is impossible! And this—forgive me—this is the error that pervades all the ideas of these bigotted professors of political economy. Yes! bigotted is my word!—though many of you are men of kind feelings and humane intentions—upon your theories you are the most intolerant and unbending set of men I ever knew of. The rigour and the harshness of your political economy surpasses anything I have elsewhere seen. Now,

don't take it to yourselves personally; I know you've good feelings; but don't accuse us of entire ignorance; and don't arrogate to yourselves entire omniscience on these questions. Knowledge and wisdom upon this subject, as on all others, are not monopolised by yourselves. And I regret to find this made too much a party and political question. We should take higher and better ground upon it. Let us not have the hateful language of cant—the affected love of morality, or the unnecessary assumption of religious feeling—let the question be tried by our common feelings. [An hon. *Member*: "And common sense!"] Yes; I was about to add—our common sense; for does the hon. Gentleman imagine he has an exclusive diploma for common sense? Is he so regular a practitioner of that valuable virtue that he allows no others to exercise the attribute? Will he not permit his opponents to claim some portion of it? I repeat, let the question be decided upon common feelings and common sense. Is it to be supposed, that here, in the nineteenth century—amid the enlightenment of public opinion, and the advance of information—is it to be imagined that the mechanics of this country are incompetent to arrive at some sound conclusions as to their own interests, without the aid of pseudo-philosophers on the one hand, or panderers to popular passions on the other? I say, the artizans of this country are not to be told that they do not at all understand their own interests. Is it to be supposed they cannot estimate the probable consequences of a reduction in wages? Is it to be believed they are not aware of, and awake to this, and every other aspect of the question? And here allow me to advert to something that fell with truth and force from my noble Friend, about the tone and temper prevailing among large masses of the manufacturing population. Do any of us suppose that if we "give the go-by" to this question it will "go to sleep?" No. I know what will be the consequence. I believe the great portion of the working people of this country are as loyal—as constitutional—as quietly disposed as any set of men; but, I fear, there will be a feeling of irritation existing among them on the rejection of the humane measure proposed—something has reached my ears upon the subject—and, if things are left in their present position, I know the consequences. [Oh!"] Who says "Oh" to that? Let him controvert me, and not merely use that contradictory exclamation. I demand whether, when the working people (not perhaps fully represented in this House) are told "You have no right to form a judgment upon the subject, you are not competent to come to a conclusion upon wages, yours is all the ignorance upon the question; and such is our paternal prudence that we will not allow you to exercise your own opinion in regard to your own wages"—I demand, if when treated thus they will feel satisfied? And now to advert to an argument of the right hon. Baronet, the Home Secretary, that in a canton of Switzerland the manufacturing artizans worked legally fourteen, and illegally fifteen or sixteen hours daily. Does he not see that this carries him a little too far in the argument? for if he so fears Gall and Massachusets (or the factories near Vienna, he mentioned, I believe), we had better take off our restrictions and regulations on factory labour altogether, and recur to what preceded even the Hobhouse measure. Not that I impeach your consistency—God knows it's enough to defend one's own; but, speaking ludicrously on a subject too serious, I fear that some of us are seduced on the question to play Jim Crow, and to "turn about." At all events, if the argument of the right hon. Baronet were good for anything, it would be good for abandoning his Bill entirely, and going back to the plain principle of entire non-intervention. It is impossible to know what ground the right hon. Baronet really takes on this question. He is contending, not for principle, but for the degree of its operation. Can the right hon. Baronet pretend that ten hours' labour in factories are not enough for women and children? Have not his own inspectors affirmed that period to be quite enough for those classes? Has not medical authority avowed, when appealed to, that ten hours of factory work are enough for women and young people? Will the right hon. Baronet profess that twelve hours would not be prejudicial? Can any one doubt it? I hear a great deal talked about agricultural labour. Where do female country labourers work more than ten hours a-day constantly? Your own officers, the Assistant Poor Law Commissioners, have reported that in Somersetshire, Wilts, Dorsetshire, Norfolk, Suffolk, and Lincolnshire, women rarely work more than eight hours a-day in winter, or ten in summer, except, to be sure, in harvest, &c., when they work extra hours occasionally only. But who does not know that out-door open-air work is far more salubrious

to the human, especially the female constitution, than factory labour? How often are old men seen in factories? Whereas in the fields you may see labourers working to forty, fifty, or sixty years of age. I say forty; for I asked one of the operatives who saw me his age, and he said he was thirty-two—"in his prime;" and another —fifty—said he was "too old." So great is the stress upon the muscles at one time. [An hon. *Member*: "The old story."] "The old story?" Yes, it is so. But not the less afflicting is it to those who feel for the sufferers of such toil and fatigue. Nor is it the less true, for being an often-told story of suffering and toil. Sir, the working myriads of this country are not insensible to their condition. Their situation, with all its suffering, is forced upon their minds. This question of the limitation of labour is one of principle. It is a principle which will not be lost sight of—which cannot be got rid of. There has been error in arguing, as if the principle had not been already acknowledged and acted upon. The question is now only of degree; and the Measure of my noble Friend can now never be abandoned, and must, ultimately, succeed."

Mr. *Gally Knight* said, that he would occupy the attention of the House for a very short time; but that, as it was his intention not to support the Amendment which had been moved by his noble Friend, the Member for Dorsetshire, he was anxious to explain the reasons which induced him to adopt this course. In the first place, he begged leave to state that his change of opinion had nothing on earth to do with the position, be it what it might, of Her Majesty's Ministers. On many occasions—on most occasions — he should consider it the height of folly, by pressing any individual opinion of his own, to embarrass a Ministry to whom he had once given his confidence, but the present question was of so peculiar and mixed a nature, involving moral as well as political considerations, and affecting the welfare of vast numbers of our countrymen, that he considered the question an exception. Neither had he been enlightened by any great progress in the science of political economy, nor by any increased affection for long mills and tall chimneys—he could not say that he liked them much better than before—he regretted, that the greatness of England should in any way depend on the factory system; but in dealing with such a question as the present he must not be guided by any likings or dislikings of his own: he must look at things as they were; he must look at the large numbers of our countrymen who were employed in the factories, and he must seriously consider what, upon the whole, would be most for their advantage. But his noble Friend had asked what new thing had taken place since the last discussion of this question that could justify any change of opinion? He admitted that nothing new had taken place; nothing had occurred except time to inquire —time to reflect — time to get sober. Since this question had last been discussed he had made it his business to inquire as diligently as he could into this matter—he had anxiously revolved it over and over again in his own mind, having in view the real welfare of the operatives, and that alone. If the House did not mean to deceive themselves, they could only look upon the proposed Amendment as a Ten Hours' Bill; for, if the Amendment were once adopted, it would be impossible to withhold the promise of a Ten Hours' Bill at the end of three years. If we were now upbraided with dashing the chalice from the lips, what would be said at the expiration of the three years, with double reason and double force? And in whatever proportion the labour of women might be restricted, the labour of men would be restricted also; because, as he was informed, the work could not be performed by the men without the assistance of the women. The House then must consider this Amendment as a Ten Hours' Bill: and the result of all the information which he had been able to obtain went to this, that if we insisted upon enforcing such restrictions upon adult labour as would ultimately be the consequence of adopting this Amendment, we should strike a fatal blow at our present position in the foreign market. We must remember how sharp the competition was already—we must remember that it was by superior cheapness alone, that we either hold our ground on the Continent, or are likely to win our way in China, Rio, and other places; and if, by any measure which might now be introduced, British goods could not be afforded at as cheap a rate as at present, those markets would be closed against us. From all he had been able to learn, he was convinced that the British merchant had not margin enough

left to make it safe so much to interfere with his operations. If the loss of the foreign market were only to entail a certain reduction of the profits of the masters, he did not see why he need care much about it, because the master manufacturers generally speaking, seemed to care very little about the total extinction of the rents of the landed proprietors. If it were only to entail a certain reduction of wages, he would make up his mind to that, because the operatives said they were willing to meet that reduction. But he could not help believing, from the calculations which had been laid before him, that the loss of the foreign market would, eventually, not only entail a much larger reduction of wages than the operatives were prepared to expect, but would strike at the root of all employment. Mill-owners, though possessed of abundant capital, could not go on, for any length of time, manufacturing at a loss. If they were shut out of the foreign market, many of them would be manufacturing at a loss—many mills would be stopped, and thousands of operatives would be turned off. The commercial part of this question was the part upon which the whole thing turned, because it was that part upon which depended the sustenance of those very persons for whom his noble Friend was so laudably interested. If the operatives were thrown out of work, how were they to obtain food? Nothing was more wonderful than the rapidity with which men forgot recent events, even such as are calculated to produce a deep and lasting impression. How short a time was it since this country had been suffering from a severe depression of trade? Had we so soon forgotten what consequences that depression had produced? Had we forgotten how it affected the operatives? Had we forgotten the effects of the working for short time, the numbers wholly unemployed, their complaints, their outbreaks, our own regrets, and our own alarms? And yet, were we to lose the foreign market, that depression which, lasting for but a few years, had been so disastrous in its effects, would become, not the temporary and transient, but the permanent state of our trade; and, in that case, he would ask any man in that House what would be the condition of our operatives? What would be the condition of the country—a condition frightful even to think of. He held in his hand a letter from a friend of his who had long possessed mills, and upon whose testimony he placed the greatest reliance, because he knew him to be no less humane than he was intelligent. At that hour he would not trouble the House with the calculations contained in that letter, upon which calculations, the opinions which he had declared were chiefly grounded, but he would take leave to read a very short extract which applied to the general subject. His correspondent said:—

"I have lived long enough amongst the operatives to be acquainted with their habits, and I am sure that the friends of a Ten Hours' Bill would be disappointed with the effect of the Measure if it were passed. The national prosperity would be seriously endangered by a Ten Hours' Bill, and the operative himself would be injured by the change. All those who are best informed on the subject dread the effects of foreign competition if the reduction of hours be enforced."

The Bill, as it was, took care of the children, about whom it was the duty of the House to be most solicitous, and about whom the House had an undoubted right to interfere. The Bill limits the labours of women to a certain degree. For the reasons which he had given he durst not insist upon any more. He durst not insist upon absolutely restricting, by law, the labour of adults, at all times, to ten hours. He was, however, persuaded that the discussions which had taken place on this subject, would have a beneficial effect. He was persuaded that master manufacturers, in general, would be induced to pay more attention than heretofore to the comfort and welfare of those by the sweat of whose brow they obtained large gains. It was well known that factories could be conducted on a benevolent principle. It was well known that the Marshalls, and others he could name, conducted them on that principle, and he was persuaded that the effect of these discussions would be to make that which had hitherto been the exception the general rule. It had cost him not a little to come to the determination which he had announced. It would have been much more agreeable to him to have continued to follow in the wake of his noble Friend, of the purity of whose motives no man could entertain a doubt. It would have been much more agreeable to him to have complied with the desires which the operatives, in many instances at least, have expressed; but having come to the decided opinion, that by supporting

the Amendment he should not be promoting the interests of the country, or the interests of the operatives themselves, he felt himself bound to adopt the opposite course.

Mr. *C. Buller* said, that the case of his hon. Friend the Member for Nottinghamshire (Mr. G. Knight) showed the remarkable facility with which a man could forget recent events; but there were three events which had not escaped the recollection of his hon. Friend, namely, the three votes which he had given in favour of the noble Lord's proposition. He could not compliment his hon. Friend on having brought forward any new facts or new arguments to account for his change of sentiments. Indeed, his hon. Friend did not lay claim to that, but it appeared that some time must be given his hon. Friend before arguments addressed to him were absorbed. His hon. Friend said that the reason why he had made this change in his mind was that he had had time to get sober. Now, he (Mr. C. Buller) must say, that such habitual, continued intoxication, going on through three votes and a week's time, he had never heard avowed in that House. Considering how fully the arguments on his present side of the question had been gone into, and how totally his mind had been shut to them in his former state, his hon. Friend, he must say, must have been very bad indeed. But, passing this matter, he should not discuss this question on personal grounds, but he should meet the question on the same ground that he assumed in a speech of his on a former night which had been much commented on, and he must say much misrepresented. He, like other men, occasionally indulged in personal attacks; but he must say, that looking at the importance and novelty of the principles involved in these discussions, and the enduring nature of those principles, they ought not, he was sure, to go into the consideration of them without getting out of the mud of their little petty personalities. On no question had so much harm been done by personalities as on this. Since he gave his last vote on it he had had the pleasure of discussing it with some of the most eminent master millowners in the country, and his sorrow was to find that the opposition to the noble Lord among them did not so much arise from apprehension of the consequences of his scheme, as from the injurious statements which had been put forth concerning some of the master manufacturers. He, for one, had never dwelt on those statements. He was not inclined to question the facts brought forward by the noble Lord; but he thought that they only applied to a certain number of particular cases, and not to the masters and millowners generally. He was speaking of the statements of facts which had given so much dissatisfaction to the masters and millowners. He thought it was exceedingly right that when a great grievance appeared in the country, measures for its redress should be agitated, for such he thought was the only plan by which any change for the better could be brought about; but he also held that there were cases of exceptions, and that the House would not be justified in interfering with manufacturing industry, unless they did so on an enlarged view of its ordinary, not of exceptional character. One thing was observable—that the opponents of the noble Lord had very much lowered their tone. The House heard nothing about principle now; principle was thrown overboard; and the question was argued as one of degree. The hon. and learned Member for Bath (Mr. Roebuck) had very honestly, but not very prudently, proposed to test the House, and brought forward a principle. He attempted to pledge the House to the principle that interference with labour was unjustifiable. [Mr. *Roebuck*—I never used the word "unjustifiable."] His hon. and learned friend, he believed, was right; he had proposed to the House to vote that it is inexpedient to interfere with the adult labourers in factories. His hon and learned Friend found but few to support him on that occasion. The House maintained that it was justifiable to interfere with contracts respecting adult labour in factories, and he would venture to say that they had the majority of the master manufacturers with them, for he believed that the great body of the master manufacturers were for a limitation of labour in order to prevent the majority being obliged, by the cupidity of a few, to work their mills longer than they would otherwise work. However, the principle of interference with contracts for adult labour the House maintained, and they did so because they could not contradict the whole course of their legislation. It was expedient that the House should know how much this had been the course; he would not go fully into the matter; but he could show satisfactorily it was not only in factory labour that the Legislature had interfered in this way. He would take four capital instances of interference with

adult labour. The first was the Mines and Collieries Bill of last Session, which had been brought forward by a great supporter of the right hon. Baronet, and carried by him through the House. Another Bill which interfered with contracts respecting adult labour had passed last Session. He saw a great authority before him, the President of the Board of Trade (Mr. Gladstone), who had taken no part in these debates, and he asked on what principle it was, that the right hon. Gentleman had brought in his Coal Whippers Bill? a Bill not merely to regulate the wages of labour, but to limit the number of labourers. The third case was that of a number of adult labourers who wished to remove from one part of the Empire to the other and were prevented; the House interposed and prevented the Hill Coolies from entering into contracts for employment of that nature at all. That was a strong instance of the interference of the House with adult labour. But the fourth instance he would mention was the strongest of all, for it was an interference, not with the contract for the labour itself, but the manner in which the wages of labour should be paid under that contract. How could they justify the interference with the truck system on the principles which were put forward against the proposition of the noble Lord? He had thus shown that on all points, the wages of labour, the number of labourers, the place, and the mode of payment of wages, the Legislature had thought fit to interfere with adult labour; and the House must therefore be well aware that there was no inflexible principle to be laid down on this subject. The right hon. Baronet (Sir R. Peel), in his last speech, had said that the only general rule—for he would not call it a principle—that could be laid down, was that the Legislature might interfere if the inconvenience of interference did not more than counterbalance the advantage to be gained. That was precisely his principle, which had been so vehemently attacked by the right hon. Baronet (Sir J. Graham), that it was said to be a principle of Jack Cade, and now so great was the progress of the principles of Cadism, that they had made converts of the two right hon. Baronets. In fact, the question was now only one of degree. He was willing to say that non-interference should be the rule, and that the Legislature without good cause should not interfere, but that principle should go further, because no sound Legislature ever interfered on any subject without good cause. One or two reasons in favour of the proposition have occurred to me since the last discussion on the subject. An eminent authority in my favour is the hon. Member for Stockport. No other greater advocate of the cause of the people, or more able exponent of his views, was to be found in the House than the hon. Member to whom he had referred. What did that hon. Member say? He (Mr. Cobden) admitted at once that labour for the period of twelve hours per day was too long, and should be reduced to ten; but he maintained that this alteration should be effected by removing the restrictions upon the trade and commerce of the country, and not by any particular legal enactment passed for that specific purpose. The hon. Member for Stockport said that there was a great evil connected with the manufactures —that the people employed there did labour too much, and that it was desirable that a reduction in the amount of labour should take place. He maintained that the people employed in the factories laboured too long. He, and those who thought with him, wished to avoid giving what might be considered an exaggerated account of the condition of this part of the population. They could not look, however, to the condition of the manufacturing population without feeling greatly how the labour to which they were subjected affected their health, and shortened the duration of their lives. Let the House consider the well established fact with reference to the difference in the amount of mortality in the large manufacturing districts as compared with the mortality in the agricultural parts of the country. Did not the greater mortality in the manufacing districts clearly prove that there existed an evil of some magnitude which required to be removed? Did it not point out the necessity for the adoption of some means for the improvement of the health and longevity of that part of the population of this country? He would take his second view of the case. Could any hon. Member deny that labour protracted to the period of twelve hours a day did not greatly interfere, and was inconsistent with the moral improvement, education, and well-being of the people who were subjected to it? It had been said that every facility would be offered to those employed in the factories to indulge in recreation and amusement; but they would have no time to play. There was something required be-

sides recreation. This would be a mere delusion—it would be all a mockery, unless they attended to that essential element so necessary to be considered when legislating for the permanent welfare of the working classes. He now came to the third feature which justified the interference of the Government, if they were disposed to promote the social condition of the manufacturing population. He referred to the necessity—the absolute importance, of keeping the two sexes to their own distinct and proper provinces. A master manufacturer had put forth a statement on this subject. What was that statement with regard to the proportion of men and women employed in the manufacturing districts? Why, in the large town of Manchester it was stated that of the labouring portion of the population employed in the factories three-fifths were females and two-fifths were males; as three to two. That was a great evil, requiring certainly legislative interference. The question of the necessity of interference having been settled, the point at issue resolved itself into this,—whether the proposition of the noble Lord which they were then considering for the reduction of the hours of labour was a dangerous one, or one likely to be followed by beneficial results? Here he (Mr. C. Buller) must take the opportunity of vindicating the extreme caution which the noble Lord was charged with exercising with regard to the proposition of reducing the hours of labour at first only to eleven, and subsequently to ten hours, as it was said. It had been said, "Oh, if you adopt the proposition of the noble Lord and carry an eleven hours' Bill, and it should be found to have a prejudicial effect, it will be impossible for you to retrace your steps." He could not see any reason why they should not retrace their steps, should such a course be necessary. Nothing appeared to him more easy. Supposing the proposition carried, and it should be found that the interference with the manufacturers of the country was followed by the evils predicted, would it not be in the power of the Legislature—would it not be in the power of the labouring classes themselves to effect a change, and to retrace the steps which they had taken? He felt as certain as that the estimates would be proposed next year, if the Measure failed, that this House, that the labouring classes themselves, would call for an alteration in the system. It was right if they proposed and carried great changes in the social system, they should proceed cautiously. This he did not say. But, he asked, how could the noble Lord have proceeded more cautiously? Let the proposal have a fair trial—let them see whether the mischief which had been predicted would or would not result—let them see whether it would be dangerous by a legislative enactment to limit the hours of labour from twelve to eleven hours a-day. Let them do this before they condemned the suggestion as being fatal and dangerous to the interest of the class for whose benefit the Measure was intended. Many arguments had been advanced to show the effect that this proposed reduction would have upon the rate of wages. It had been maintained that if they limited the duration of labour it would be followed by a reduction of the wages of the working classes. He did not see why this should be the necessary consequence. It had been stated that it was totally impossible that in the present state of things the manufacturer could fear any additional burthen to that already imposed upon him. It had been argued that if they imposed any further restrictions upon the manufacturing body, it would have the effect of driving us altogether out of the foreign markets. He asked with what decency could hon. Members opposite connected with the Government come forward and advance such arguments? Did that tally with the statement made by hon. Members opposite in a former debate? Was it not stated by the Anti-Corn Law League party, so great was the competition, that under the burthen of the Corn Laws the British manufacturer was unable to compete with foreign countries? Did not hon. Members on the opposite Benches deny that statement? Did not they come forward with their arguments and their statistics to establish the fact? He should like to see how the hon. Member opposite would be able to reconcile their contradictory statements when the debate upon the Corn Laws came on. People would ask how hon. Gentlemen opposite could defend these Corn Laws, having admitted the existence of these great restrictions and burthens upon the manufacturers of this country. He would not repeat the arguments which he had advanced on a former occasion. It was said if they raised the price the manufacturer would be driven out of the market. He had on a former occasion argued the question of prices, and the right hon. Baronet had not succeeded in answering or overthrowing his statement. It was necessary to enter upon the question with

regard to the effect of the proposed alteration upon wages. He felt assured that if they compensated for the additional loss by taking off the duty, the prices would remain the same. It had been said, that a great delusion existed in the minds of the manufacturing population on this subject. It was said, that the people were so stupid that they were led by the grossest assertions made upon the hustings in reference to the subject. The hon. Member for Oldham said, that the people said, when asked, that they were prepared for a reduction of wages consequent upon the passing of this Measure. It was his belief that it was in the power of the Government to assent to the eleven hours proposition without the slightest danger to the manufacturing population. A great deal had been said about pandering to the feelings of the people; and in solemn tones they had been warned not to do so. They talked of the danger which they who supported this proposition incurred. But he asked did not those who opposed it incur any danger? Was it not dangerous to give out to the people of this country that they were to expect nothing from our legislation? Would not such an announcement inspire in the minds of the people a feeling of disgust and despair? The House could consider deliberately and at length questions relating to the capitalists and landlords of the country; but as soon as a practical matter, connected with the employment of the people engaged in the manufactures was brought forward—as soon as any suggestion was made for the improved education of the people—for their well-being, it was said the questions were beyond the jurisdiction of Parliament. He trusted that the House by supporting the proposition of the noble Lord would prove that Parliament was prepared to consider questions involving the interest, welfare, and happiness of the people of this country.

Mr. *Roebuck* answered, he said, at once the challenge of the hon. and learned Gentleman as to the sphere and object of legislation. It might be dangerous to tell the people to expect nothing from legislation. It might, however, be still more dangerous to tell them to expect everything from the same source. But it was most dangerous when persons told the people—persons in whom the people placed any confidence—that the rate of wages could be regulated by Act of Parliament. On this point he was there to discuss the question with his hon. and learned Friend. He was there to show that the rate of wages—for that could be shown to be the object of the noble Lord—that the rate of wages was attempted to be affected by the noble Lord's proposition, and that that could be the only object; and he should be able to reduce it to that, step by step. He should be able to show that that could be the only object of his Measure, and that the effect must be to produce a larger labouring population, at a lower and reduced rate of wages; and when that were done, he said, let his hon. and learned Friend meet him and talk of his humanity. Let his hon. and learned Friend then turn on him with his pictures of misery, and ask him if he contemplated with satisfaction that picture, or if he were not prepared to legislate for this misery? He acknowledged the horror of the picture that was painted; but he answered his hon. and learned Friend at once, by saying he quarrelled with his remedy. However dangerous were the circumstances in which they lived, the proposition that was now made, he affirmed, could but aggravate those evils. His hon. and learned Friend escaped this question altogether. Every man who attempted this question, escaped it also. They confined themselves to an exaggeration of the mischiefs that really existed, but they never pointed to the effects of their own remedy. The noble Lord the Member for Sunderland indulged in day dreams of enlightened legislation, of "bold legislation," the noble Lord called it; but he must call it another name—it was "rash and mad legislation," for

"Fools rush in, where ———;"

But he did not mean to finish the quotation. He wanted to know what was the object of the noble Lord's proposition? Let them understand the end to be attained; but before they could learn the end and object, they ought to understand distinctly the grounds that the noble Lord had for interference at all. He had challenged the noble Lord on this point, and he had not heard an answer to that challenge. His hon. and learned Friend admitted that the principle of interference should only be applied in an exceptional case. He said that the general rule should be to let things go on according to the ordinary rules which regulated contracts between man and man. He had never spoken about the violation of a general

principle, nor had he insisted on the inherent rights of labour. What he had said, as a general rule as to contracts, was to let those enter into them who had a full knowledge, and who were best able to judge of the different incidents which entered into the bargain they were about to make. His hon. Friend said, that a departure from that rule should be the exceptional case. All the labouring population, according to the general rule, before they entered into a contract with their masters, were the best judges as to the nature of their own labour; but then it was said, that the noble Lord showed a case for interference. What was their case? They pointed to circumstances which formed, they said, an exceptional case. He was shown a set of men in such a position who were so congregated together, as to be still more alive to publicity and responsibility than any other portion of the labouring population of the country. That was the first incident. Now, he said, let them show him a population—any population, better fed, better clothed, better lodged, than the factory population of this country. They were much better off than any other portion of the population. That was the fact, and he defied them to disprove it. Then what was the exceptional case? It was this — that they would interfere with the factory population more easily than with any other. He defied any man, however humane, however desirous he might be to interfere, to show him a single incident, as far as related to the manufacturing population, which called for their interference, except the single incident that they could interfere with that population more easily than with any other. He defied them to show that the manufacturing labourer was not worse—no, but was not better—he said far better, than any other part of the labouring population. That assertion, he said, required an answer; and all the humanity-mongers in the world could not drive him from it. Instead, then, of that portion of the population being worse off than others, he said that they were better; and he said, let them disprove that assertion, which he made in the face of the House in the face of the world, and not answer him by talking of "bold legislation," or mystified arguments, which no one could comprehend, as to what might be done by an "enlightened system of legislation." A dangerous principle had been already adopted with other modes of labour, and he had already warned the House as to the consequences likely to follow from it, when it was first proposed to be acted upon. But his hon. Friend had found fault with the hon. Member for Nottinghamshire, who had given three votes on the opposite side. "Those," he said, "who lived in glass-houses ought not to throw stones." Let his hon. and learned Friend look to his right hand and his left, and then ask who were those who had voted and spoken with authority, and with the great responsibility that attached to them, amongst their hon., their right hon., and their noble Friends, and then, he said, when his hon. and learned Friend had looked at these, let him not be so ready with his sarcasms—for it might be the case that his hon. and learned Friend would be found following in their wake, and that when they were in office, it might be found that they were engaged in a mischievous course of legislation. He did honour to the boldness of the right hon. gentlemen opposite, in daring, on the present occasion, to resist this system of humanity-mongering. The right hon. Gentleman had stood out upon this question in spite of all the temptations which had been held out by his friends to his foes; by foes who wished to put the Government into a difficulty in consequence of apparent defection in its own ranks, by friends who were not unwilling to lance a side shaft, as it were, into the ranks of the Anti Corn-Law League. He asked, had either of these parties made out any statement of grounds for the interference of this House; and, if so, in what way it would benefit the labouring man? The noble Lord the Member for Sunderland had threatened the House with consequences if they should reject this proposition. He had warned them to beware how they disregarded the feelings and demands of the labouring population of this country. He and his friends on that side of the House had said the same thing when speaking of the desire of the people to regulate their own affairs in this House, and the noble Lord had, on such occasions, not been backward in opposing those demands; and, therefore, he was by no means alarmed at the sudden discovery which the noble Lord had made of the danger of resisting popular demands — demands of a kind which hitherto the noble Lord had been so stedfast in resist-

ing. He had some regard for the feelings and demands of the people of this country, and, therefore, he did not wish to take them at second-hand. He wanted the people to have the power to send their representatives into this House, to speak for them as they should desire, and to discuss for them the value of the opinions as to the necessity for this proposition, instead of taking, as an effort of gratuitous humanity, the cause which was now advocated. When he (Mr. Roebuck) found the noble Lord more anxious that the demands of the people should command some attention in this House, he, for one, should pay attention to his warnings. The noble Lord said, that the result of this experiment, producing as it did a diminution of the product of labour, would be either a rise in the price of the commodity produced, or on the other hand a fall of profits or a fall of wages. A rise of prices, the noble Lord stated, was most likely, at the same time entering into a mysterious disquisition upon foreign commerce, which he (Mr. Roebuck) could not pretend to enter into, for the simple reason that he could not pretend to understand it. He heard very proper words and problematical sentences fall from the noble Lord in very neat array, but when he attempted to put them into form as a proposition, he was really quite at a loss to attach any earthly meaning to them. He did not wish to quarrel with the noble Lord, for generally he had a very great respect for his statements, and the character of his mind, but upon this occasion, he could see where he had been for his doctrines; he had been to nowhere else but to the moral world of Mr. Owen for the materials of his dissertation. The noble Lord had uttered all those vague and unmeaning generalities which distinguished the friend of the parallelograms, and who fancied that he could regenerate mankind by a new and bold system of legislation. He confessed, that until the noble Lord put his views of foreign commerce in a more intelligible form, he could not grapple with them, because he really could not comprehend them. He said that prices could not rise, because in regard to foreign competition, which was influenced by no legislative interference, purchasing labour at the lowest cost, with machinery becoming every day more and more effective, we were compelled to sell at the lowest possible price; and above that he did not think we could aim at reducing the hours of labour, if we had any hope of competing in the foreign market. This was a proposition which must be answered, not by vague generalities, but by ascertained facts. It was for the noble Lord to show how we could continue to enter upon competition in foreign markets with a rise of prices. The next question was that of a fall in the people's wages. The noble Lord had not dared to face this plain question. He had not even mentioned it. The noble Lord had not left out such an important ingredient in the argument involuntarily; but being an able disputant, and seeing the weak point, he had doubtless, omitted it intentionally. He, on the other hand, seeing the strong point of the case, placed it in the vanguard, and he asked the House whether they were prepared to meet the consequences of a fall in the prices of products? The hon. Member for South Nottinghamshire said that he was not enlightened in the modern system of political economy. He really need not have acknowledged so much; for the fact was perfectly clear without the admission. If the hon. Gentleman had talked of ancient architecture, he should have listened to him with the greatest respect. And this he would say on the present occasion, that, however the hon. Gentleman might differ from others upon questions of political economy, he should at least show some respect for those great minds who had perfected this science, which had become so important a feature ancillary to modern legislation. At any rate the hon. Gentleman need not have made up for his confessed ignorance upon such matters by expressing a disrespect for the subject very unworthy of any Englishman. Now to enter upon this question. If the result of this experiment was not to be a falling off of profits, nor a rise of prices, it must be a falling in the wages of labour; and here he came to the real question which affected the interests of the people. The hon. Member for Oldham had spoken on this point with the eloquent diction for which he was so celebrated. ["Oh, oh."] He did not think the hon. and learned Member for the University of Oxford had heard the hon. Gentleman, or he would not have partaken in this outburst of virtuous indignation. He would put this, however, to the House: Had it ever been distinctly asked of the people, "Do you

really believe that wages will fall in consequence of this measure, and believing so, are you prepared for the consequences." No; the question which had been put was, "Are you willing to chance it?" What did this mean, and how had it been answered by the people? They said they were willing to chance it, because they sincerely believed that wages would not fall. Now he had put the question to various manufacturing men, and the answer was, that if they believed that their wages would fall, as a consequence of this act of legistion, they would be the first to oppose the measure. And why? Because at present they were, by their utmost labour, only able to obtain what, by the views of the world, was not better than a comfortable existence—an existence which did not pretend to luxury. They were hard worked; some said they were inadequately paid. He did not pretend to say that he did not sympathise with the working classes, on the contrary, he wished that their lot might be ten thousand times better than it was. But that was not the question. The working classes said—"We are anxious to obtain sufficient for the support of our existence, and we are very unwilling to lose this by obtaining so many hours of idleness in the day." There had been a great deal of talk about the advantages which would result to the working classes from these hours of leisure devoted to moral discipline and mental culture. Depend upon it, however, that there would not be any improvement in morality amongst the people by diminishing their wages. Diminishing wages deteriorated every chance of their improvement in morality. Again, he said, that the condition of the working people was not such as he could desire, but he said that this nostrum which was now presented to them was a mischievous one—one likely to do great injury whilst it pretended to offer relief; that it was a mischievous opiate, which would deteriorate the condition of the working classes, and which, under the pretence of doing good, might lay the foundation of great misery to the people. Let those who advocated such measures look to Ireland. There they would see the people suffering a much greater amount of misery than it was pretended the manufacturing classes suffered in this country. If he (Mr. Roebuck) was to state the grievances of the Irish people, and were to come down to this House to ask them to adopt some measure of legislation, in order to remedy so much distress, who was there amongst hon. Gentlemen opposite who would support him in such a scheme? He appealed to those who pretended that the condition of mankind depended upon an Act of Parliament, how would they act if he were to come down with some measure to relieve the distresses of the Irish people? Suppose he were to propose a measure to take away the land from the present landowners, and out of it to make provision for the starving people of Ireland. Would they not say that he was a madman—either a fool or a desperate knave—in proposing a scheme which must tend to the ruin of the people, under the specious pretence of doing good? There was, he maintained, a distinct analogy between this suppositious case and that of the noble Lord. He charged the noble Lord distinctly with gross exaggeration as to the state of the manufacturing classes of this country—an exaggeration of at least one half in the amount; he accused the noble Lord of having mistaken, and of having totally and grossly disregarded the evidence, a copy of which he held in his hand. He was not here to question the noble Lord's motives—he knew nothing about them—but he was there to discuss the noble Lord's actions; and he said that the noble Lord had widely misstated the facts of this case, and exaggerated the statement of the condition of a class of the population by no means the most miserable in the country. If any one proposed that they should go into an inquiry as to the condition of the labouring population of the country, and as to the best modes of improving that condition, he should be quite prepared to join in it. He would be quite prepared to inquire as to any means to improve the education of the people, apart from points of sectarian difference. Such obstructions to mental culture he would never countenance. But short of that, he should be prepared to do everything to promote this good object. This was what the House could do, and what they ought to do: but he maintained that they could not increase wages by any Act of Parliament. He maintained that to limit the hours of labour must incur a reduction of wages; and that if the House reduced the hours of labour, and had any regard for the position of the labourer, they ought also to be prepared to say that beyond a certain limit wages should not fall. Why, what

would be the natural consequence of this proposition, reducing the hours of labour? The first effect of it would be to call into employment a large number of additional hands, and who would receive a lower sum for their services than those whose labours they supplied. This would go on from time to time, until the labourer would find that he had not enough to support himself in the ordinary comforts of life. And why should this be? Was it because the labourer was miserable now with scanty wages, that he should be rendered more miserable with diminished hours of labour? If the labourer had a right to have his hours of labour curtailed, he had also a right to demand indemnity from the consequences of such an Act; to demand, in short, that a minimum of wages should also be fixed. And having this right, could not the people enforce it? And when the House, in obedience to this demand, should attempt to carry on this vicious system of legislation, they would see the manufactures of the country declining under a daily decreasing capital, and with a manufacturing population each hour becoming weaker and more degraded. They would then see a vast industrial people made miserable in consequence of their injudicious interference; and would learn, when too late, how fatal were the consequences of a mistaken course of legislation.

Mr. *Ferrand:* The hon. and learned Member calls for proofs, and yet he makes a speech to the House consisting wholly of assertions, without a particle of proof. He declared to the House that he was a great friend to the people, and especially to the working classes. I am bound to say I have received information which leaves no doubt on my mind that they entertain a very indifferent opinion of him. They have declared that they consider the Member for Bath to be one of their bitterest enemies. They have not forgotten that he has always shown himself a strenuous supporter of the New Poor Law. If I were speaking my sentiments as an individual Member of this House, I should not take up a moment of your time, after the eloquent speeches which have been uttered in favour of the principle of this measure. But I am not here to speak my own individual opinions. I speak on this occasion the sentiments of hundreds of thousands of my fellow-countrymen belonging to the working classes, and I say, with the noble Lord the Member for Sunderland, it is a question which belongs solely to the working classes of the manufacturing districts. During the last autumn I was requested to aid the working classes of the manufacturing districts in the generous effort to release Mr. Oastler from prison, in order that he might aid them in advocating a Ten Hours Bill. It is a question which the working classes have contended for, for twelve years, and which they are determined to stand by and struggle for by every constitutional means. In advocating their opinions before the House to-night, I shall briefly revert to the declarations of the three parties within the House who advocate the three different measures before it. The first proposal is, that we should let the manufacturers and the work-people alone, and not interfere between them; the second is the proposal of the Government; and the third that of the noble Lord the Member for Dorsetshire. Those Members in the House who declare we have no right whatever to interfere between masters and workmen in the manufacturing districts, and amongst them none more earnestly than the hon. and learned Member for Bath, assert that the masters and men are free agents, and have a right to enter into their own contracts,—that they have good wages and are not overworked,—and that the mothers remain at home and attend to their domestic duties. The hon. Member for Sheffield and the hon. Member for Manchester, as well as the noble Lord the Member for Newark, have declared that the work-people are completely satisfied, and that if we interfere we shall cause a stagnation in trade. The hon. and learned Member for Clithero declared that if we interfered we should "sow the wind and reap the whirlwind." The hon. Member for Halifax declared that if the people did not like to work long hours they might refuse to do so. With regard to the assertion of their being free agents, I will briefly call the attention of the House to the engagements entered into by some of the manufacturers in Lancashire, with the Poor Law Commissioners, in which it was proposed to take off the surplus population of the agricultural districts into the manufacturing districts, in order that they might bring down wages. They did this to a very great extent, and, having done this, what was the result. Sir, I hold in my hand a most important return, laid on the Table of the House on

the 12th of May, 1843. It is an account of the labourers removed from the agricultural districts into the manufacturing, under the arrangements entered into by the Poor Law Commissioners and the manufacturers in the country districts. According to that return there were 4,228 labourers removed—only a small portion of the vast number of the labourers who were enticed, under professions of great improvement to their condition made by the manufacturers. Of that number there were 1,326 of whom there was no account of their age, sex, or wages; 609 had the amount of their wages, but not the names of their masters stated; there were seven mothers of families whose wages varied between 4*s.* 6*d.* and 5*s.* 6*d.* per week. Out of the whole of this number there were only 114 fathers of families. Of these twenty-six received wages from 5*s.* to 9*s.* a week, seventy-two from 9*s.* to 12*s.* a week, fourteen from 12*s.* to 15*s.*, and two from 15*s.* to 20*s.* a week. Thus, Sir, we find that, instead of the wages of these labourers being increased by that removal into the manufacturing districts, they literally are less than the wages which were given to them before they left their own neighbourhoods. But what, let me ask the hon. Member for Sheffield, was the result of this removal of this large number of agricultural labourers in 1835, 1836, and 1837? They were removed under a distinct pledge that they should have their condition ameliorated. The hon. Member for Oldham, and the two hon. Members for Sheffield, declared in this House that the manufacturing labourers of Manchester and the neighbourhood were existing on 1¼*d.* a-day; and that the mills in all the large towns were closed, and the hon. Member for Manchester declared that there were many cases

"Where whole families are compelled to pawn the clothes which they wear during the day for the purpose of redeeming the bedding on which they are to take their nightly repose, and who are able to redeem their clothes in the morning only by replacing their bedding in the hands of the pawnbroker."

Now I should like to hear from the hon. and learned Member for Bath if, in the agricultural districts in England, he ever found the labourers in such a state of degradation and misery as that which I have just described to the House. But I will not weary the House by detailing the oppressions inflicted on the labouring classes in the manufacturing districts, by some of their employers, by the system of truck shops: but there is an unanimous feeling among the working classes that they have been reduced to the most abject state of misery and slavery, and that there are no means of rescuing them from that degraded state but the Ten Hours' Bill. They have declared with an unanimous voice that they will have that measure, whether wages are reduced or not. The hon. Member for Oldham knows that the question has not been put to them whether they would change experimentally? but they have been deliberately asked whether they had studied the question in all its bearings, and two-thirds of these labourers are more competent to discuss this question than three-fourths of those whom I now address, and they have declared that, whatever may be the consequence, they will have their hours of labour shortened. Sir, I hold in my hand an account of no less than sixteen individuals, who appeared before the Magistrates of Manchester, for the purpose of asking their aid to remove them back into the agricultural districts from which they had been entrapped. The acts then detailed were as disgraceful to those who sent them from the agricultural districts as to those who held out inducements to them to leave their homes. I am not going for one instant to extenuate the conduct of any landed proprietor who shall have lent his aid to such a system, nor am I going to hold back my reprobation of the conduct of the Poor Law Commissioners engaged in this proceeding. These poor wretched beings were induced to leave their homes by offers made to them by manufacturers, and when they arrived at the manufacturing districts, instead of being employed, they had to sleep for three weeks in a barn upon straw. The Magistrates expressed their indignation at the treatment they had experienced, and intimated their opinion, that those who have so deceived them ought to be prosecuted. The late hon. Member for Kendal was presiding on the Bench that day as a Magistrate. ["*Question.*"] I do not address the House for the purpose of taking up its time. I would remind you, that the eyes of the kingdom are on this debate, and I implore hon. Members to allow me to address the House for a short time. If the House will allow me, I will just allude to what took place in the autumn of 1842, when the working classes

in the manufacturing districts adopted the advice which was given to them by the hon. Member for Halifax. They were then told, to take that measure into their own hands; that, if they wanted to obtain their rights, they were to refuse to work; they adopted that advice; and what was the consequence? Why, the working classes in the manufacturing districts, left their masters, and went through Yorkshire and Lancashire in masses; for several days, in fact, the whole of those counties was in their possession, and it was not till the military were called out, and blood was spilled, that the majesty of the law was asserted. Some of the most active of those poor creatures were imprisoned and tried, and when called on for their defence, they narrated such tales of misery and woe to the Court, that the Attorney-general, your public prosecutor, wept, and he expressed himself in language which, if the House will allow me, I will read to it; for I think I cannot more strongly bring the matter home to the convictions of this House, than by reading a few lines uttered by the Attorney-general upon the occasion of the Chartist trials. In reply he stated, that

"He entirely agreed with what had been stated, that the present was one of the most important trials that had ever occurred; and if he had felt considerable responsibility when he addressed the jury several days ago, he did not feel that that responsibility was diminished by the evidence that had been produced for the prosecution, and the statements made by the several defendants. It was impossible not to feel the deepest sympathy for the distress which had been described, and no one could doubt that it extensively existed in the neighbourhood of Manchester, and throughout a large part of the country surrounding that manufacturing town. If they could quit the large public meetings assembled (it was said) 'to quiet the country,' and if they could go to the dwellings of those who did not join in those exciting crowds, they would hear of many a tale of heartrending distress, such as the defendant Pilling told yesterday, and which it was impossible to listen to without feeling that sympathy and compassion which it produced upon many persons around him, and, which he was not ashamed to say, he himself shared in, to an extent almost preventing him maintaining that demeanour which one ought to preserve in a Court of Justice."

I am anxious, also, to call the attention of the House to a calculation which has been made by the working classes themselves, as to the hours of labour which they will have to work in factories under the Government proposal of a Twelve Hours' Bill. If the House will kindly indulge me, I will read to them a statement which I think will clearly show that the working classes are fully justified in declaring that they will not be satisfied with any Measure save that proposed by the noble Lord, the Member for Dorsetshire. The account which the working classes have given to me as to the amount of time which they will have for recreation and sleep, states that young persons between the age of thirteen and eighteen require to have,—

"Half an hour to dress, &c., before leaving home, half an hour to travel to the mill, twelve hours actual labour, one hour and a half for meals, half an hour to travel home, half an hour for supper and preparing for bed—fifteen hours and a-half in all; leaving eight hours and a-half out of the twenty-four for recreation of mind, seeing and visiting friends, and sleep. In winter, when it is dark, they require half an hour extra for travelling to the mill, half an hour extra for returning to the mill—making sixteen hours and a-half, which leaves seven hours and a-half for recreation and sleep."

But the statement as to the hours of labour which the mothers of families have to endure is still more startling:—

"Half an hour to dress and suckle her infant and carry it out to nurse; one hour for household duties before leaving home; half an hour for travelling to the mill; twelve hours' actual labour; one hour and a-half for meals; half an hour for returning home at night; one hour and a-half for household duties and preparing for bed—making in all seventeen hours and a-half, and leaving but six hours and a-half for recreation, seeing or visiting friends, and sleep; and, in winter, when it is dark, half an hour extra time on the road to the mill; half an hour extra time on road home—making in all eighteen hours and a-half; and leaving only five hours and a-half out of the twenty-four for recreation, visiting, and sleep."

Now, I will ask the House, whether they think the working classes are not justified in declaring that they will no longer submit to such a Bill, but that they will have a Ten Hours' Bill, which the noble Lord has asserted he will never rest till he has carried? I am prepared to inform this House from the working classes, that if this House upon this occasion refuse to grant this Measure, they will not cease to agitate, and, what is more, those parties who have stuck by them in their agitation throughout the country will not cease to join with them in

their renewed agitation. Let this House remember how this agitation has been produced; it has been produced by hon. Members like the hon. Member for Halifax asserting that the working classes did not care for the Ten Hours' Bill, and that the Petitions of the working classes being laid upon that Table, year after year, unheeded and unread by hon. Members of this House, they find that their Petitions have been useless, and, therefore, they are determined to call public attention to their sufferings by agitation. I implore the House to do justice to the working classes. If the House wished them to remain peaceable, justice must be done them. This House had been accused of legislating for the rich, and not for the poor; but now when it has triumphantly asserted that it will legislate upon principles of humanity, and of justice and protection to the working classes, fancy not that you can by a side-wind to-night, or by unfair means, debar the working classes of their just rights. Depend upon it, if you refuse this Bill, they will eventually adopt the advice of the hon. Member for Halifax—they will continue to agitate, and they will eventually refuse to work. What will be the consequence to yourselves? You have admitted that it is the trade of this country on which the prosperity of this country depends. Let the working classes refuse to work for one week, at four different periods of the year, and what will be the result? The working classes have a desire to endure and to suffer without complaint; but you may try their patience too long, and, if you refuse this Measure, the day will come when you will deeply regret it, and when the working classes will extract it from your unwilling hands.

Mr. *Muntz* said, there was one circumstance connected with this debate which, as it appeared to him, had been lost sight of by the Ministers, the lawyers, and the philosophers, and that was, whether a vote of that House could prevent the evil so much feared. His opinion was, that it could not, and his advice to the right hon. Baronet would be to give the people what they wanted, and to take the grace instead of the abuse. It was quite evident that a strike for wages amongst the operatives would have all the ill effect that the Ten Hours' Bill could have, and, as the people had made up their minds to have the Ten Hours' Clause, he would recommend the Government to concede it; otherwise, the people would strike to obtain it. He had asked every one he had come upon specifically the question whether they were ready to put up with the abatement of wages in case the Ten Hours' Bill was carried, and, invariably, the answer was, that they were prepared to do so, as they considered the advantages they should derive from more time and convenience more than counterbalanced the loss they should sustain. And there was a great deal of truth in that. He thought much more was made of the question than it was worth, and that the reduction of wages would not be so great as was represented. And who are the parties to be acted upon by the Ten Hours' Bill? Only the women; and let him mention another circumstance, and one very important for consideration, and that was, that the women, being more suitable for certain species of labour, they obtained it in preference to the men, provided they could do it, and, that being the case, the men were left, to a considerable extent, to walk about whilst the women were doing their work. But their argument was, that if the women worked only a reasonable time, they, the men, would have more work. Then it was said, this Ten Hours' Bill was opposed by the Government on principle. Now, had there been any principle at all connected with the Government for the last thirty years? Since the last Motion of the hon. and learned Member for Bath, he had searched with great care, and he could not find any principle connected with any Government for the last thirty years. The only principle he could find was legislative expediency. Every measure for the last twenty-five years against the interests of the people had been grounded upon the principle of expediency. They had no right to go against the people upon such a principle. Talk of philosophy—it was an idea. Philosophers and philosophy! Their philosophy would be found when many other things would be found—when it was too late for use. It was a mere question, whether they were right or he was right. For his own part, he repudiated the doctrine of interference altogether; but these parties had given very good reason why they should have this interference. He thought the Government could not prevent it, and it would therefore be better to let them have it. And what was it that was said would be the result? That it would affect the export

trade. Why, that trade was not worth having. Then it was said it would produce mischief to trade generally. Did not the right hon. Baronet, on the Bank Charter, say, that if any mischief arose from his Measure, he would come down to the House and rectify it? And why could he not do the same with this Measure? But, speaking of principles, what had been the laws of the last twenty-five years which materially interfered with the happiness of the people at large? He found five excrescences—for such he should call them —upon bad systems of Government—the Corn Laws, the Poor Laws, the Truck Laws, the Emigration Laws, and, most of all, the Factory Laws. Now, as to the first, they found difficulty in keeping up rents; there was a necessity for high-priced corn, and they instituted the abstract Corn-laws to keep up the rents. What principle did they call that? He called it a very bad one. The next question was the Poor Laws; and what did those Laws do but place men in such a position that no honest man could ensure to himself labour, and, when he applied for relief, the answer was, "We cannot give it, you must come into the workhouse and undergo the workhouse test: you must sell what little you have, and be separated from your wife and family." The next was the Truck Law. He contended that they had no right to interfere with the trade of barter. The last question was that of the Emigration Laws. And it appeared to him that, if there were anything unnatural and unprincipled, it was those Laws. They exported the best men: the worst would not go. He contended that those four Laws were contrary to the principles of right and the interests of the people, but those were the principles of philosophy. They were the principles of expediency; there was no philosophy in it. He hoped the right hon. Baronet would reconsider his threat of the consequences, if the Ministry were left in the minority. He thought his threat of little value; for, if the Ministry were defeated on this question, the right. hon Baronet knew they would soon be recalled, and with greater power than before. At the same time he gave the right hon. Baronet joy of his new ally the hon. and learned Member for Bath. It was quite clear that every species of philosophy and power and knowledge of commercial affairs was concentrated in that one quarter. If they took advice from that hon. and learned Gentleman, it appeared, from his own statement, they must be right. But no matter what his abilities might be, he could not agree with the hon. and learned Gentleman. He went here and there, and everywhere, found fault with everybody and every thing; but it did not appear to him (Mr. Muntz) to prove that he had any remedy to offer in this case. "The poor creatures," he said, "are to be left to themselves: if you drive them to a Ten Hours' Bill, they will all reproach you." At all events, they could not reproach the Government. The Government had done all they could to oppose the Measure, and the wisest thing for them to do now was, to go with the noble Lord, and, if they did not, they would repent of it. They had much better give way in a decent manner, than, as they will be obliged to do, give way in an indecent manner. For himself, he should like to see the Ten Hours' Bill fairly tried. He was quite willing to take his share of the responsibility, and he should therefore support most cordially the Motion of the noble Lord.

Mr. *M. Philips* said, that many of the statements made by hon. Gentlemen in the course of the debate had filled him with amazement; it had been stated that our foreign trade was of no value to the country; but, if that were so, he had been labouring under a delusion all his life. These opinions had been stated by various Members, but he never could believe that they intended them to be received as their solemn and sincere conviction. It was clearly impossible that the manufacturers of this country could obtain two prices for their commodities—they could not have a home price and a foreign price for the same article; the price in the foreign market must regulate the price elsewhere. England could, no doubt regulate the price of her manufactures in her dependencies; but, let it be recollected, she also carried on commerce with countries over which she had no sway; in them she would find competition, and if that competition were made more formidable by our own acts, the price in those markets must necessarily be reduced, and our manufacturers suffer in proportion. What would be the consequence to the foreign trade of this country, if under the specious guise of humanity they should proceed to cut off so large a portion of the industry of this country as was proposed by the noble Lord the Member for Dorsetshire? The House must not legislate upon chance—for suppose chance went

against us?—suppose that for six months we lost the export trade, could the House remedy and patch up the evil caused by its previous ill legislation? If that House was to legislate only from hand to mouth, and make mere experiments because of a certain degree of pressure upon a question of this nature, their legislation would be unsound and their experiments disastrous; legislation would become a farce, and they would inflict some experimental evil upon this country which would exist as long as the House of Commons itself. He would yield to no one in a hearty desire to see the working classes placed in a position of prosperity and comfort, but he did not believe that this end would be accomplished by the mode of legislative interference now proposed. Thinking this, his course was clear, and no fear of a failing popularity would induce him to stir from the point at which his conviction fixed him. He regretted that the noble Lord should have come down to the House and made so many statements without having put himself in communication with the manufacturers, who thought themselves unfairly dealt with by the noble Lord. He thought the noble Lord relied too much upon the grossly exaggerated statements made to him from other quarters. He wished to mention a curious circumstance in illustration of this matter. In 1836 he joined the noble Lord in disapproving of the manner in which the duty of inspecting the factories was sometimes performed. There were a set of persons who used to haunt the lobby of the House called delegates, who came to give hon. Members information about the factories. When he (Mr. Philips) visited a factory after that, he found one of these very delegates working two children under the age allowed by the Act of Parliament, and remonstrated with him upon the subject. That individual addressed a letter to him in the newspapers, which was noticed in that House by the former Member for Tynemouth, (Mr. G. F. Young), and he then gave an answer for the statements in those letters, which was not recorded in public reports of the proceedings of the House, nor was it to be found in *Hansard*. But there was in *Hansard* a speech purporting to be one delivered by the then Member for Ashton (Mr. Hindley) which was never uttered at all in that House, and which made him think that something unfair went on between parties behind the scenes.* He was not a cotton-spinner, and consequently had no individual interest upon the subject, but he really believed that there had been great exaggerations made use of with regard to factory labour. The ventilation of factories, from the number of windows, was in a great measure in the hands of the labourers themselves; and many of the other evils complained of did not exist to anything like the extent stated. His opinion was, that the factory labourers were better off than other labourers, and their employment more wholesome and certain, and he could not but be sorry for any act of legislation which would injure not only the manufacturers, but the operatives of the land—for this measure must certainly injure them. There would be a reduction of wages in the

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* The passage to which this note refers reflecting on the Editors of these Debates, we called the attention of Mr. Mark Philips to the subject, and from his written reply, with his permission, we quote the following passages:—

"I beg in the most unreserved manner to assure you, that I do not now, and that I never did at any time, harbour the thought that you were cognizant of the fact of my speech being suppressed in the pages of your Parliamentary Reports."

"Allow me to repeat, that I never for one instant imagined that the conductors of *Hansard's Parliamentary Debates* were aware of the omission to which I alluded in the recent debate upon Lord Ashley's Motion. I entirely acquit them, whilst I suspect that it was not the result of mere accident."

Conceiving that these passages exonerate us from every personal imputation, we feel it unnecessary to enter into any investigation of a circumstance which occurred eight years ago, and has never since that Session of Parliament been brought, that we are aware of, before the public, or to our recollection. We feel fully assured, that those who are acquainted with our humble labours, particularly the Members of both Houses of Parliament, are thoroughly convinced, that neither personal nor party considerations have ever been for one moment allowed to interfere with the honourable discharge of our duty to supply as accurate and faithful a Report as can be made of every Debate which takes place in Parliament.

first instance, and then the next step which they would have to take would be to interfere with them; and as they had enacted a maximum of labour, they would be called upon to enact a minimum of wages. It had been stated by the Member for Knaresborough, that he had been invited to attend the meetings recently held in the north to discuss this subject, and that he had refused to attend. He never had been invited; if he had he might not have refused to attend, but would have gone to any place where the question was likely to be fairly and calmly discussed. If the present measure were agreed to, the next step in legislation must be an interference with wages; a step which could not be taken without producing much mischief. In fact, it would be impossible to make any such measure operative, for in slack times people would go to the masters and ask for work, promising to take low wages, and to say nothing about the terms. He looked with anxiety to the result of this debate. He had every feeling to promote the prosperity of the working classes, but he had never been called on to take part in the discussion of any measure so diametrically opposed to his wishes in this respect as was the proposition brought forward by the noble Lord; and he must therefore give it his most determined opposition.

Debate adjourned.

POOR LAW AMENDMENT.] Sir *J. Graham* moved that the Speaker do leave the Chair, in order that the Poor Law Amendment Bill should be committed *pro formâ*, that he might have an opportunity of making some alterations.

Mr. *Bagge* wished to know what question was before the House. He had loudly called out "No," to the adjournment of the debate on the Factory Bill, and he had done so because he saw no fun in carrying on a discussion with respect to which hon. Gentlemen had made up their minds.

The *Speaker* said, that the question was, that he should leave the Chair.

Mr. *B. Cochrane* said, that before they went into Committee *pro formâ* on this Bill, he wished to know when the discussion on it would come on.

Sir *J. Graham* said his object now was to make alterations in the Clauses of the Measure, and have the Bill with the alterations printed, in order that the Bill might be circulated, and the sentiments of the country with reference to the alterations ascertained. What he asked was the most certain means of expediting the progress of the Bill.

Mr. *B. Cochrane* said they had been promised that this important Bill was to be brought on for discussion immediately after Easter, and what he wished to know now was, whether the Government intended to proceed with the Bill immediately after the Factory Bill?

Sir *J. Graham* was not in a situation to reply to the hon. Gentleman, and he thought the course he was taking would be the most satisfactory.

Mr. *P. Borthwick* said, that although it was desirable some time should be fixed for the debate on this important subject, he thought the right hon. Baronet had stated sufficient reasons for the course he adopted. When, however, the question came on he hoped they would not be limited to the details of the Bill, but would go into the whole question.

The House in Committee.

Bill passed through Committee *pro forma*.

House resumed and Report received. Bill to be recommitted.

House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, May 13, 1844.

MINUTES.] *Took the Oaths.*—The Lord Lurgan.

BILLS. *Public.*—1ª. Bankruptcy and Insolvency.

2ª. Criminal Law Consolidation.

Private.—1ª. Padstow Harbour; London Gas Light Company; Farrington and Cwmgilla Inclosure; Bleddfa and Llangunllo Inclosure.

2ª. Haltwhistle Inclosure; Leeds New Gas; Liverpool Fire Prevention; Globe Insurance.

Reported. — Newquay Harbour and Tramroad; Newbury and Basingstoke (London and Southampton) Railway; Pontop and South Shields Railway; Newcastle and Darlington Junction Railway, and Tyne Bridge.

PETITIONS PRESENTED. From Steyning, against the Dissenters Chapels Bill. — By Lord Lyttleton, from Tamworth, and several other places, against the Union of St. Asaph and Bangor.—From Clergy of Wich, for restoring the powers of Convocation.—By Earl of Winchilsea, from Bath, for Inquiry into the course of Instruction adopted at Maynooth. — From Belfast, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.

RAILWAYS.] The Earl of *Malmesbury* said he had not quite understood, from the answer which was given by the noble Earl, the Vice-President of the Board of Trade, on Tuesday last, to the noble Earl opposite (Earl Fitzwilliam), respecting Railways, whether Government intended to

sanction the propositions which were contained in the Report which had been made by a Committee of the House of Commons on the subject of Railways, which propositionsinvolved two very important principles. The object of the first of these propositions was, that the public should be protected against paying too high rates of passage, and the next was that the profits on all Railways should be limited to 10 per cent., and that in certain cases the Government should take the management of the Railways into their own hands. All example, in his opinion, proved that it was inexpedient to place such matters as Railways under the management of the Government of the country. The Belgian Railroads which were under the direction of Government were inferior to ours, both in speed and accommodation, and the attendants careless and uncivil. The speech of the noble Lord had made a great impression on the country; and he would ask that the noble Earl would give some explanation upon these points.

The Earl of *Dalhousie* said, that he was very sorry that the noble Lord had not made these remarks on a former evening, when the subject of Railways was under the consideration of the House. With respect to the questions which the noble Earl had put to him, he thought that if he called to recollection the reply which he made to the noble Earl (Earl Fitzwilliam), he would see that it was impossible for him to give a full and explicit reply at present. The noble Earl moved for the appointment of a Commission; and in reply, he said that the whole question was in a course of investigation before a Committee of the House of Commons; and to show that that Committee was not inactive, he mentioned some of the points which they had recommended in one of the Reports. which they had already made. With respect to the first point, the guaranteeing the profits, it was not intended absolutely to guarantee the profits, but if Government compelled the lowering of the fares, it was proposed that the Government should guarantee ten per cent. to the shareholders so long as the compulsory lowering was enforced. With respect to the other point—it was proposed that if the dividends should not reach to the amount of ten per cent., and in order that the Company should not be free from all control, that the Government should have the power of purchasing the line. These were only the recommendations contained in a portion of the report of the Committee of the other House, and at present it was obviously inconvenient to go more at length into the subject.

Earl *Fitzwilliam* said, that the point to which he directed the attention of the House the other night was the expediency of having a survey of the country, with a view of ascertaining what parts of the country it was desirable to connect, and then to lay down the lines by which those parts should be connected. That was a very different subject to the one which the noble Earl had brought under the consideration of the House to-night. He thought it would be very desirable to have that portion of the Report of the Committee of the House of Commons laid upon their Lordships' Table.

Subject dropped.

MR. O'BRIEN.] Viscount *Lorton* said, that on his return from Italy on Saturday he had seen that the noble Marquess opposite had represented that he (Viscount Lorton), the Earl of Roden, and the Earl of Clancarty, had recommended Mr. O'Brien to the situation of a Stipendiary Magistrate in Ireland, this certainly was not the fact. Mr. O'Brien had distinguished himself in the development of some seditious publications in a manner which he (Viscount Lorton) considered serviceable to the country. He had brought that circumstance to the notice of the Lord Lieutenant, and he (Viscount Lorton) was glad that Mr. O'Brien had received this appointment. This was all that had passed, but this could not be said to have been a recommendation.

The Marquess of *Clanricarde* said, that he did not wish to throw the slightest imputation upon the character of Mr. O'Brien; but still he should say that he could not at all see the propriety of appointing him a Magistrate. The Gentleman had some property in Roscommon, and if the noble Viscount thought he was a proper person to be a Magistrate, why had he not, as the Lord Lieutenant of the county, recommended his appointment as an unpaid Magistrate? The noble Lord opposite seemed to misunderstand him. His arguments were not directed against Mr. O'Brien, but against Her Majesty's Government.

Viscount *Lorton* explained.

CONSOLIDATION OF THE CRIMINAL LAW.] Lord *Brougham*:* In rising to address your Lordships on the Measure which stands in the Orders this evening, and for the discussion of which you have been summoned, I cannot avoid feeling much anxiety and some apprehension, when I contemplate the very great importance of the subject matter I am about to bring before you, much more, at least, than when I contemplate any difficulties which may be said to surround the question itself. I have this to state in extenuation of the offence of putting myself forward to bring on the discussion of the subject, that I do so most reluctantly; for, as my noble and learned Friend on the Woolsack knows, I have withheld myself from it, have expressed my unfeigned reluctance to grapple with it, and done all I could to prevail on my noble and learned Friend, with his more ample experience, with his greater capacity, and above all, with his more powerful influence in the Government, in the country, and in the profession of which he is at the head, to decide that he (Lord Lyndhurst) should rather take the question up than leave it in my hands. I have no reason to think that my noble and learned Friend is averse to the proposition with which I am about to conclude: I have no reason to apprehend any opposition from the Government; I have no reason to expect any opposition from my noble Friends near me, but I should infinitely rather have preferred that the Measure had been supported by the talents and backed by the authority of my noble and learned Friend on the Woolsack. For the purpose of acquiring that support, I postponed introducing the Bill until the very eve of the Easter recess; I then presented it without any statement; but the time is now come when I must either abandon the measure altogether for the Session, or, according to the practice of your Lordships' House, proceed with it as I am now doing, offering at the same time, the arguments I am about to open to your Lordships. The Measure originated in the seven Reports of the Common Law Commissioners, who sat under a Commission which was issued whilst I held the Great Seal, and which empowered the learned and eminent persons named in it, to take a view of the whole of the Criminal Law, in order to the mitigation of its severity, its more complete publication, its more sure enforcement, and above all, to digest it into an uniform code. To the manner in which these learned persons have discharged the task imposed upon them, it is impossible to award sufficient praise; and the Measure now before your Lordships has arisen out of their Reports. As another reason why I should interfere to bring forward this subject, I may state, that in the Motion I made in the other House of Parliament in February, 1828, have originated all the alterations and improvements of the law which have been subsequently by degress carried into effect, and to which the then Government, with the noble Duke at its head, was not opposed. The Chancellor of the day joined me in this great work, and issued the Commission which my Motion, adopted by the Commons, required. The result has been a series of Measures, adopting nearly nine-tenths of the Reforms which my speech of February, 1828, propounded. The whole system of our law has undergone a change in consequence. The Law of Real Property, the Law of Actions, the Law of Procedure, the Law of Evidence, the structure and Jurisdiction of Courts, the Law of Pleading and Process all have suffered so vast a change, that were those great lawyers who adorned the profession, and who thirty years ago flourished in it, and faded from it, to lift their heads from the honoured tomb to which they then descended, they would not believe that they were restored to the country which had gloried in them—would be wholly incredulous that the law of England which they had cultivated, was the system which they now contemplated—and would imagine that their eyes had opened not upon England, living under the laws which they had familiarly known, but rather that they had awakened from the sleep of the grave upon a new land governed by a foreign law. The Criminal Law was, at the period I am alluding to, left untouched by my Motion, and purposely. I reserved its consideration to a future period. That period I fervently hope, is now come; and I trust that this most important branch of all our jurisprudence may be fated, through my humble ministration, to receive a similar change, and undergo an adequate improvement. I now proceed at once to the vast subject which I have undertaken to bring before your Lord-

* From a corrected Report, published by Ridgway.

ships, and I begin by asking how much longer will Parliament be content to let the Criminal Law lie scattered over so many books—locked up in so many statutes—floating as it were, in the air of Westminster Hall, and to be sought from men who have never written on the subject, but are nevertheless held to be oracles of law as regards criminal matters, ordering as it does every one of the subjects at his peril to neglect, at his peril to be ignorant of, and being ignorant of, at his peril to disobey? Lord Mansfield, when at the Bar said, with his usual felicity of expression, speaking of the Common Law, that "while it remains unwritten, it works itself pure by rules drawn from the fountains of justice." I now approach those fountains — the streams from which make the Law work itself pure—to quaff their waters, and pluck the flowers that spangle their margin —I would let your Lordships taste with me the source of its whole purity—

"Juvat integros accedere fontes,
Atque haurire; juvatque novos decerpere flores."

Those flowers I now draw nigh to pluck, and some of those waters will prove new to those whom I ask to join me in the draught. Where are those streams—those fountains of justice to be found? Those fountains are contained in thirty-two quarto volumes of statutes, filling in all 30,000 quarto printed pages, to say nothing of thrice as many private Acts rendered necessary by the defects of the general laws. But these, perhaps, are not the fountains to which Lord Mansfield referred; he was rather talking of the Common Law; he was warning his hearers against reducing that law to a written text, because he said "undigested it works itself pure." Will your Lordships now look with me into this process of working pure? The operation of the working pure lies in the decisions of the Judges, who have no rules to guide them but such as they can make out by looking partly to the text-books, and partly to their own sense of what is known generally in the profession to be the law, but which has not been reduced into shape by text writers any more than by lawgivers. What do your Lordships think is the number of the volumes of these decisions? I will speak only of the Courts of Common Law, of the Court over which my noble and learned Friend (Lord Denman) presides, namely, the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, and excluding the Courts of Equity altogether. The following statement of the tomes of records of judicial legislation or decision—that mass which has been accumulating, not from the time that Mr. Murray used the words at the Bar which I have cited—not from the time that Lord Mansfield ascended the Bench, in 1756—but from the year 1786, when he left the Bench which he adorned—will be found pretty correct. There are 160 closely printed bulky volumes of the decisions; to which, if I add the *Nisi Prius* cases, it will make up 170 volumes of decisions only of the three Courts of Common Law at Westminster, without reckoning the Courts of Equity here, or the Courts of Law in Ireland—that is 150,000 pages of print, with all of which it becomes, and not only becomes, but behoves the judges and practitioners to be familiar. In truth, it is a matter painful to mention and frightful to contemplate. What do your Lordships think is the volume I hold in my hand (the noble and learned Lord held up an unbound broad octavo about an inch and a third in thickness), which is so closely printed, that at my time of life I cannot read it with my naked eye—it consists of about 300 pages, a bulk equal to that of the *Code Napoleon*. Perhaps your Lordships may think that it is a code or digest of the Common Law? It is no such thing. Peradventure you may conclude it to be a digest or index to the 160 volumes of reports? Not at all. Peradventure you may conjecture it to be a digest of the decisions of the last few years since the beginning of this century. No-think of the kind; the volume is merely the index of the reports of cases decided in Westminster-hall in the one year 1843! The General Index from 1752 fills four huge volumes of 8,000 pages close printed. The expense, it must be obvious, of purchasing such a mass of books must be enormous; in fact, it is an expense which the student of law cannot compass, and which the practitioner, if he enters on it at all, must defray out of his professional gains. Yet all this mass it becomes, and not becomes only, but behoves, the judges to learn and inwardly digest, because they must administer the law and deliver their decisions exhibiting an outward knowledge and acquaintance with its contents. Then the books are continually on the in-

crease; in fact, they increase at compound interest, each decision begetting others, and each volume being the ground of more. Your Lordships will have some idea of the extent of production in this line that is going on, by learning that no fewer than fifty-nine learned lawyers are occupied in preparing reports, who send out, in the shape of reports, every year twelve or fourteen large volumes, which each barrister ought to possess, and each judge be familiar with, but which, continually increasing as the stream of time rolls on, defy any but a large fortune to purchase—any industry to master—any memory to retain—any perspicacity to disentangle. This is the character of that fountain whose waters Lord Mansfield said worked themselves pure, which sends forth those streamlets—streamlets, did I say?—rivers, tides, which I now approach to quaff. This vast mass of matter the gravest lawyers and the most experienced judges have all recommended should be digested and made more easy of access, by being reduced to such a form as that the magistrate might administer it with comfort to himself, and safety to the subject, and the people know what they had to obey. The legislative deeds of ancient nations, of the Romans especially, are well known to all your Lordships; they form a portion of our classical, rather than our professional knowledge. The Civil Law had accumulated during the ages of the Commonwealth and the Empire, from the conciceness and simplicity of the twelve tables, to an enormous mass of Pretorial Edicts, Statutes of the Senate, Rescripts of the Emperors, Commentaries of writers, and Opinions of jurisconsults. When Justinian, in the six century of our era, immortalized his name by digesting this great body of jurisprudence, it had grown to be the load, as his coadjutor Tribonian said, of many camels. But the idea of this great work was not new in Justinian's time, though he first accomplished it. We are told by Suetonius that the same had been a favourite plan with the first of Roman captains and the second of Latin orators, Julius Cæsar, the most accomplished man in all respects that the world ever saw. "Jus civile," says the biographer, "ad certum modum redigere, atque ex immensâ diffusâque legum—(one really feels as if in a Latin writer we were reading an account of our English jurisprudence)—ex immensâ diffusâque legum copia in paucissimos libros redigere." His untimely end prevented him from adding a claim upon the real gratitude of mankind, to his command of their more unreflecting admiration. But I come to the annals of our own country, and out of the history of the law from the earliest period, I build up and fortify my statement of the necessity of the digest to which I am referring. As early as the time of Edgar an attempt was made to form a digest of the law. That Prince collected the laws into one body, and "thus gave them," says Lord Bacon, "the strength of a faggot bound." The same immortal genius, he who possessed the most comprehensive intellect of any man that ever existed, when speaking of the advantage of a digest, said that "it gave the law a new light, but not a new nature," referring to the fears of innovation and quieting by this just remark, all such alarms. Listen to his wise remarks on the necessity above all of revising our Crriminal Law. "Penal Laws," says he, "obsolete and out of date, be a gangrene, and bring on a habit of disobedience to other wholesome laws, which deserve to be continued; so that our laws do endure the torment of Mezentius; the living die in the arms of the dead." Addressing, therefore, his Sovereign, he says, "Such a digest of the law were an excellent work of honour to your Majesty's times, and of good to all times." But it may be said that Bacon was a mere philosopher, and that practical lawyers entertain but little respect for his opinion on such matters; but what would such lawyers say of Lord Coke, no visionary speculator, looked upon even in the present day as a wise lawyer, as a sound and safe authority among practical men of the first eminence, up to the present period; one whose authority in all matters of legal learning stands without dispute the highest of all, whether judges or text writers? He describes, "the Penal Statutes as in part antiquated, and so snares to entangle the subject withal," and recommends us to make "one plain and perspicuous law, divided into articles:"—(using the very terms of the Bill in my hand, as if he had foreseen the present plan.) "This work," says he, "will enable every subject to know the laws, and how to obey them—a work," he terms it, "necessary, and of singular commendation."—Hear, too, the opinion of Lord Coke's master, the first of the Stuart line

—that great enemy of innovation—that staunch friend of established institutions—that Prince to whose bigoted predilection for everything established, and implacable enmity to all change, this country owes a great debt of gratitude, exciting as it did, a struggle for liberty, which placed the freedom of Englishmen on an imperishable foundation. That bigoted adherent of the ancient order of things declared for a code, and promulgated his clear opinion, that "it were a worthy work, and well-deserving of a Parliament to sit of purpose to do it." When I pronounce the name of Lord Hale, I assuredly appeal to the first of all our Criminal Judges, and one surpassed by none as a practical lawyer. The whole weight of this venerable authority is to be cast into the same scale already descending with that which has laden it. "Considering," says the great Chief Justice, "how great a bulk the books are become in process of time—(and since these words were written their bulk has increased an hundred fold at the least)—considering how many printed resolutions there are of the same cases; how many disagreeing reports, how many seemingly contradictory opinions, how many titles disused—a *corpus juris communis* were much to be wished." But if, turning from the opinions of individuals to the authority of the Legislature, we regard what in past ages has been attempted, we shall find new reasons for our finishing a work which our predecessors approved and desired, but left for our hands to accomplish. In 1650 a Parliamentary Committee sat, directed to commence the digest of the laws, and Whitelocke, the first Commissioner of the Great Seal, was at its head. In 1651-2 a Commission for amending the law was appointed; and among its Members we find the names of Mathew Hale, Anthony Ashley Cooper, and Rushworth; the first was the celebrated Chief Justice, the second was Lord Shaftesbury, the third was the author of the Parliamentary Collections. In 1656 sat another Committee with similar views, and among its Members we find Finch, afterwards Lord Chancellor, Nottingham, Maynard, the Sergeant, and Atkins, the Judge; and as if all kinds of intellect, all descriptions of persons, every party and each sect in the community, had concurred in the same views, we find on the Committee for digesting the Law which sat in 1653, the names of General Harrison and of Barebones, who gave his name to that Parliament. I pass over the next century, and come to our own times. In 1816 both Houses of the Legislature passed a resolution that a digest of the Statutes should be made, and that an eminent lawyer, with twenty clerks under him, should be commissioned to do the work, which they unanimously declared "very expedient to be done." Finally, I am much gratified in having to cite the authority of my right hon. Friend at the head of Her Majesty's Government, who first made any progress in digesting the Criminal Law. He carried through Parliament in 1826, an important measure for consolidating and arranging all the numerous statutes relating to offences against property; and he then declared it to be his opinion that the "real value of high official station was its conferring on the holder a power to further such great improvements in the Law." His measure was no doubt confined to the Statutes; and some have questioned the expediency of reducing the Common Law to writing. I think I have already prepared your Lordships to grapple with such doubts and to decide the point in the affirmative, by the mere description of the voluminous masses through which the Common Law is scattered, and of the uncertainty to which it is necessarily subject, while so much of it lies floating in the minds of professional men. But can anything surpass the absurdity of affecting to give the people a Code of Laws for governing their conduct, and yet telling them that it is essentially defective? What can exceed the inconsistency of promulgating a rule of life which you say is utterly imperfect, and so not the rule of life. The lawgiver says, "Here is the law, but it is only a bit of the law: here are the commands which I give you to guide your actions; but beware how you trust them and act according to them, for they don't contain above a tenth part of my orders; you must take care to find out the rest of them, and where you are to look for it I am sure is more than I can tell you, only I know you may find them locked up in two or three hundred thousand pages of books." But this is very far from being all or even the greater part of this absurd and crying injustice. For the part you promulgate is controlled in every portion by the part withheld. There is not a single rule laid down in the written code you give, which

does not receive its construction from the unwritten law which you keep secret; and yet you require all to know the meaning of the rules you publish, while it is locked up in the rules which you conceal. No one is excused for his ignorance either of what you put forward or of what you keep back. All are bound at their peril to comprehend and to obey. If your written code says what any man that reads would suppose to mean one thing, it may most easily happen that your unwritten code says it means another thing; and yet you punish your subjects for taking you at your word and acting as you bid them, because you have a hidden meaning, a Common Law reservation, which alone is the interpreter of your rules. So that, in truth, when you give a code of the Statute Law only, you tell the subject "Here are my commands—at your peril disobey them; but also at your peril obey them, for they don't disclose my meaning." The tyrant who promulgated his code by hanging it so high as to keep it out of the reach of his people's eyes, and then punished them for disobeying or neglecting his commands, was the true archetype of those who would confine the digesting of our Criminal Law to the Statutes of the Realm. But, I hear it sometimes said, that by keeping your Common Law uncommitted to writing, you afford the Judges an opportunity of varying the law by construction, applying it differently to the facts of each case, and adapting it to the changeful circumstances of society in different times. A stronger objection to this arrangement, a more powerful argument in favour of a certain and fixed code, I cannot well imagine. I want to have exactly the reverse of all this, and to leave as little as possible to the Judge's discretion. I would have a known and fixed rule of conduct laid down, with known and fixed penalties for the breach of the rule. I would have the law speak through the judge who delivers it, and not the Judge make the law he delivers. But if this doctrine of a vague and uncertain law being desirable, has any application, it surely never can be to the Criminal Law, which cannot vary according to the different stages in the progress of society. Whatever may be said of civil rights, assuredly crimes are the same in all ages; nor can any one fancy that murder, robbery, arson, are different now from what they were in the times of Edgar or James, Bacon or Mansfield. I note this diversity in the application of the argument only in passing; for looking confidently forward to our digesting the Civil Law as soon as our Criminal Code is finished, I will not consent to weaken the arguments which I shall hereafter have to urge in favour of a general digest of the whole Common Law, by drawing any broad distinction between its two great branches, the protection of rights and the punishment of crimes. My argument applies equally, or all but equally, to both, and I ask your Lordships to reflect for a moment upon the cruel position in which a Judge is placed [*Hear, hear*, from Lord Denman] who is called upon to decide a case not determined either by a written enactment or a previous decision. To what source shall he look for light? To what quarter have recourse for help? Whither can he resort, but to the hundreds of thousands of pages containing the opinions of law writers, and the decisions of former Judges? But none of these are upon cases identical with the one in hand. All he can hope for is some remote resemblance, oftentimes only some vague analogy, to shed the gleam of a faint and flickering doubtful light over his obscure and thorny path. He must wade through the volumes of the Statute-book, and finding nothing there to guide him, he must then grope his way through the many volumes of commentators, and then through the incomparably more numerous tomes of Reports, till he finds something that looks like an authority, and then he has to ascertain that it is a decision, and not a mere *obiter dictum*, and to examine how far it has been followed or overruled, and amid conflicting cases to select the one most supported by principles which no enactment has sanctioned or even defined; and, finally, to be sure that the general sense of the profession has been in favour of the authority, a scrap of which he has been lucky enough to find buried under the rubbish of ages. Only consider how vast the relief to such a Judge, in such circumstances, which you would bestow, by presenting him with a definite written rule, declaring the law on the case, and only leaving to him the task, the easy task in most instances, of seeing that the facts before him come within the legal description, or possibly of ascertaining that the real meaning of the Legislator is the sense apparently

belonging to his words. Here allow me to speak from experience. I know myself the anxiety of the judicial office; for well nigh fourteen years, within one year of the period at which our Judges are suffered to retire, I have sat on the Bench, in the highest Courts of Law and of Equity in this country, and I can truly say that not one hour of the time has passed over my head in which I have not felt the uneasiness I am endeavouring to paint, and the thankfulness with which I should have received the precious boon of a written code to guide my determination. Yet I have not administered Criminal Justice, except in a few cases, and I can well imagine how much the anxieties of the Criminal Judge must, during all that time, have exceeded my own. Of all law first declared by judicial decision, it is the great and the incurable defect that it is made in each particular case, after the things have been done which it is to regulate, and with a view to the special circumstances of the question which has given occasion for it. It is thus to a certain degree retrospective; it is in the greatest degree cramped, confined, biassed by the controversy that has arisen; and it can never be so safely relied upon, as if it were promulgated prospectively, and framed upon general principles alone. We may surely affirm that a far less perfect rule thus generally constructed, and beforehand made known, is preferable to one thus called for by the exigency of a particular occasion. A strong reason is hence afforded for digesting all our laws into one general Code. But I hear it said that there would still be difficulties in daily practice. Don't let any one imagine that I look for impossibilities in any code. The wisest that can be framed must still leave the task to the Judge of applying the Law in each case, as well of ascertaining the disputed points, as of considering how far the text of the code reaches them. But how greatly would this inquiry be narrowed by the happy circumstance of having a written rule? We are told that commentaries would be written, and even that explanatory laws would from time to time be required. I do not deny it; because no human work can ever be free from human imperfection. Yet nothing can be more absurd than the exaggerations which are in men's mouths upon this topic. We hear it sometimes said that the Code Napoleon already lies buried beneath the weight of the commentaries and decisions of Courts to which it has given rise. Upon this part of the question I am happy in appealing to the highest and most unsuspected authority—I bring into Court as my witness the Procureur General of the Court of Cassation, M. Dupin, the head of the French bar. His learned and able brother, Philip Dupin, now the first practising lawyer in France, holds, I understand, the same language; but I rely upon the answer given by my learned Friend the Procureur General, to the inquiries of the American Commission appointed to digest the laws of the United States:—

"The assertion (says he) is not true that the proportion of decided cases has prevailed in any way against the text of our code. Nor are we threatened even at a distance with the danger of seeing the letter of our laws disappear under the load of interpretations. In every discussion the text of the law is first looked into, and if the law has spoken *non exemplis sed legibus judicandum est.* If the law has not clearly decided the point in question, its silence or its ambiguity is endeavoured to be supplied. But what country is there where decisions have not thus been used to supply the defects of legislation?" Speaking of the *Code Civile,* he goes on to say, "It is clear and methodical, neither too long nor too short; the language of the legislature is noble and pure; the rules are well laid down; and with the exception of the difficult subject of mortgages, it has met with nothing but approbation, more especially now that the immoral Law of Divorce has been struck out. The code of Civil Procedure has simplified the forms, and diminished the expense of law suits." After characterising the other codes and their defects, he adds, "But all these codes, such as they are, have been productive of the greatest benefit; they have delivered us from the chaos of our ancient law."

The opinion of this eminent person deserves the more respect on the subject, that he was formerly a great alarmist upon this very point, of the tendency which he ascribed to the code of multiplying commentaries and decisions in doubtful cases. I am very far from affirming that the same chaos darkens our jurisprudence, or that there exists the same imperative necessity in England as there did in France for a general digest of the law. In that country there were different laws for the different provinces; and even parts of the same province, nay, different parts of the same town, or parish, or village, lived under different laws. Yet do not let us imagine that in any part of the French dominions there was a law worse arranged, or more

obscure than our own boasted system. The learned Commissioners have recorded that there are no less than thirteen definitions of the crime of theft—the offence for which upwards of 10,000 persons in England alone are tried and punished every year. These definitions are all given by the highest authorities; and five of them are selected by the Commissioners for comparison, each differing from the other in very material circumstances—one of them given by a Chief Justice, and another by a Judge in the name of the whole twelve. Again, there have in all been 3,354 general Statutes made, of which 1,540 are clearly still in force. 658 are repealed directly, or at least supposed to be repealed by express enactment; 780 have expired; 142 are repealed by implication; 236 are called, but inaccurately called obsolete, for in England there is no such thing as an obsolete Act—though many have of necessity fallen into disuse from a change in the condition of the country, rendering them no longer capable of execution. This, however, is a very uncertain criterion in many cases. We can tell that some are in desuetude, as the Statutes regarding villenage, and other tenures now no longer existing; for these Statutes have no subject-matter on which to work; but many of the others are still the law of the land, of which, if acted upon, Judges would be compelled to take notice. They are the gangrene of which Lord Bacon complained; the non-observance of them extends itself to other and wholesome laws, and taints the whole mass of our jurisprudence. But it is extremely doubtful, whether a number of Acts supposed to be repealed by implication, are not still subsisting laws; and not a few even of those considered as directly repealed, may, for anything that any lawyer can tell, still be in force. Of the 376 generally given as obsolete, and as impliedly repealed, no less than 142 are still in this doubtful state, between life and death. No lawyer can surely tell whether they subsist or no. Nor can any lawyer surely tell whether some score or more of those directly repealed have not been revived unintentionally, or in some other way are not still in force, and many of these Acts of such doubtful existence are of a highly penal nature. I will give an instance or two both of those directly and of those impliedly repealed, beginning with the former. The Statute 3rd and 4th Edward VI., c. 10, made it a grave offence, punishable with imprisonment at the King's pleasure, for any one to have in his possession an image taken out of any Church; this Act was repealed by the 1st of Mary, Stat. ii. c. 2, but that repealing Act was itself repealed by 1st. Jac. i. c. 25, s. 48. There is, however, a proviso, saving those who may be possessed of the image of any nobleman or other person, "which was not reputed or taken to be a saint." So that I should be safe in having the bust of certain of my noble Friends near me; possibly in having that of my noble and learned Friend on the Woolsack. [Lord *Campbell:* Who is a saint without being so reputed.] Reputation is required by the proviso. By another Statute, 5th Eliz. c. 15, an offence that I have often seen committed in this House is punishable with imprisonment for life, the promulgation of "fond and fantastical prophecies intended to stir and move factions." In this there are also large dealers out of doors. By the 26th Henry VIII., c. 15, and the 5th and 6th Edward VI., c. 11, it is made high treason to affirm that the King for the time being is a tyrant, or an infidel, or a schismatic; and no one knows whether this Act is in force or not. Yet all the King's subjects 150 years ago were liable to its penalties; for all knew and called William III. of immortal memory, a schismatic, he being very notoriously a Presbyterian, at least a Calvinist. The 23rd Henry VIII., c. 3, which gives an attaint of Jurors for their verdict, is of such dubious repeal, that I remember Lord Ellenborough, when Attorney-General, flinging out threats of enforcing it, when some verdict against the Crown greatly displeased him. The 32nd Henry VIII., c. 9, for punishing maintenance, falls within the same description; no one can tell if it is living or dead. So the brutal Act made in the twenty-sixth year of the same hateful tyrant (I may call him so, as we are happily now relieved from him), the first Defender of the Faith made a lunatic or idiot punishable with death as a traitor, if before he became of non-sane mind and memory, he had confessed any treason; and the 37th of his reign, c. 10, made it felony to slander any one by imputing treason to him. Laws respecting trade, grossly oppressive as well as absurdly impolitic, are to be found in vast numbers, all of the same doubtful class. I defy any one to tell whether we

still live under the 25th Edward III., st. 4., c. 3., for preventing forestalling, until my noble Friend's Bill (Lord Monteagle) shall pass; or under the Statute of Elizabeth, 39 El. c. 14, prohibiting the importation of foreign cards for wool; or under the 23rd Henry VI., c. 5; and 13th Elizabeth, c. 13, permitting corn to be exported only when wheat sells for less than 6*s*. 8*d*. a quarter, in order, I presume to encourage agriculture; or under the 3rd and 4th Edward VI., c. 22, prohibiting the hiring of servants in husbandry for less than a year, or the hiring of artificers for less than three months, something in the spirit of our present dealers in humanity towards the working classes. Of the same description are the Acts 4th Henry VII., c. 5, prohibiting the killing of cattle within a walled town, or within the town of Cambridge; the 24th Henry VIII., c. 1, forbidding any shoemaker to be a tanner, or any tanner a shoemaker; the 1st and 2nd Philip and Mary, c. 7, that no person from the country shall sell any wares in a town, except at a fair; the 8th Ann, c. 6, that no buttons be covered, or button holes made with serge; the 4th Henry IV., c. 29, forbidding Welshmen to go armed; the 4th Hen. V., c. 6, that no Irish Prelate bring to the Parliament any Irish rebels, lest the secrets of the realm be disclosed; and the 1st Henry VI., c. 3, commanding all Irishmen, upon pain of forfeiture, to quit the Realm within a month. Acts like these, supposed to have expired, are precisely those that come within Lord Coke's description of snares in the subject's path to entangle him; or rather they are as vipers, lying torpid, but ready at any time to be warmed into life and mischief by the heats of faction or personal animosity. I may remind your Lordships of an instance in a case which some three years ago I brought before you. The Shilling Act of Queen Elizabeth, of glorious memory, had long been suffered to lie torpid; but it was found still to have a pernicious vitality. An information was laid by parties in Lancashire against three men, for poaching; the charge failed; but the worthy Magistrates who tried the case said to the men, "Were you at Church last Sunday?" "No." Or the Sunday before?" "No." "Or the Sunday before that?" "Oh, no." Straightway they were fined 1*s*. for each default. Your Lordships doubtless are aware, that the penalty is for being absent, not merely from Church, but from the Parish Church; and though I am sure all of you attend Church regularly every Sunday, both morning and evening, I am equally certain that you do not so regularly attend your Parish Church, and thus you are liable to be fined. Well, these poor men were fined, and their costs amounting to above 3*l*. each, they were all cast into prison for the amount, which they were unable to pay; and in prison they remained for eleven weeks, when, on my presenting their Petition, the Justices thought fit to release them—the Justices who had so shamefully perverted the law to the gratification of private spite. I may be allowed to mention a circumstance which occurred last autumn, as illustrating how little men are aware of the existence of such Penal Laws. A distinguished and learned friend of mine, not now in Parliament, and whom I may, therefore, regularly name, Mr. Croker, wrote to apprise me of what he took for a blunder, made in printing my Letter to the Home Secretary, in which I mentioned the Lancashire case. He was kindly alarmed at the ridicule which he conceived might be cast on the work by the absurd error of the printer, in putting poaching for preaching—never supposing it possible that the imprisonment could be connected with anything but some offence against the Conventicle Laws. It turned out, however, that the printer was perfectly accurate in his reading of the manuscript. It is an inevitable consequence of the confusion in which our Laws are, that the Legislature is as much oppressed as the Judge; that he who has to amend them is as much overpowered with the mass of the laws and their conflict as he who has to apply and administer them. But first let me describe another element of the existing confusion. I have stated the enormous amount of the Reports; I have adverted to their doubtful or contradictory import; I have mentioned that about sixty diligent workmen are constantly employed in doling out upon the people the adjudged cases which each year produces in such boundless abundance. But another element in the confusion is the manner in which our Statute Book is arranged, the total want of order or method in the Acts which contain the letter of the written law. Thus, the 31st George II., c. 35, includes these several dissimilar objects of legislation,

recited in its title. It is "An Act regulating the Carriage of Sugars from the Colonies to Foreign Parts; for preventing Frauds by Bankrupts, for the Importation of Naval Stores, for preventing Abuses in the Admeasurement of Coals within the City of London and Liberties of Westminster; and for preventing the Stealing and Destroying of Madder Roots." The 29th George II., c. 19, is "for preventing Theft and Robbery; for preventing the Burning of Gorse or Ferns; for Regulating Places of Entertainment, Disorderly Houses, and Attorneys' and Solicitors' Apprentices." I will add one more instance of this absurdity with which our Statute Book abounds. The 22nd George II., c. 26, embraces the following seven very different objects, being entitled "An Act for preventing Exactions on the Locks and Wears of the River Thames; amending the Laws relating to Aliens; regulating the Assize of Bread; regulating the issuing of Writs in the Counties Palatine of Chester and Lancaster; Levying Execution on Hundreds; allowing the People called Quakers to affirm, and preventing the Spread of Infection among Horned Cattle." But whatever may be predicated of the Statutes, the Common Law is held up by the adversaries of a Code as the perfection of reason. One is really lost in the maze upon seeking for illustrations of this perfection; but will your Lordships be pleased to accept a single instance of the accuracy of the panegyric in so many learned mouths. In the reign of Henry VI. the Judges declaring the Common Law, laid down a rule which for upwards of three centuries dealt out injustice hardly to be credited, and seemed against all principle in a degree scarcely paralleled by the jurisprudence of the most barbarous nations—I mean the rule adopted by all the Judges, that every Statute is to be dated from the first day of the Session in which it is made. Hence most Acts were avowedly by this Common Law doctrine, of a purely retrospective character, and men were to suffer under enactments made after they had done the thing forbidden. Nay, so far was this doctrine of perfect reason carried, that an Act having passed in March, declaring the importation of goods thereafter to be imported illegal, a person who had imported in February previously, was adjudged to have incurred the penalty, because the Session began in January, and the Act must be taken to have passed before the goods were imported. Thus, hereafter was read to mean heretofore; and for having done a thing expressly made penal, if performed after March, the individual was punished because he did it before March. To be sure this happened in Ireland; and I perceive my noble Friend downcast when I say so (Lord Clanricarde), and my other Friend (Lord Normanby), of English extraction, somewhat triumphant. Let not, however, the one be cast down or the other be elated. The judgment of the Irish Exchequer was brought over here by Writ of Error; the Judges of England were summoned; they heard the case argued; they all in one voice declared the law to be perfectly clear; they agreed entirely with their Irish brethren; and your Lordships affirmed the judgment complained of. All these high authorities held the point to be so clear that no rational man could think of doubting it. The Legislature, some years after, in 1793, passed an Act to remedy this crying evil, and to date all Statutes from the day of their passing. But it is manifest that had there ever been a Digest of our Laws, so enormous a folly never could have been suffered to disgrace the Statute Book for centuries. Any persons set to make a Code of our Laws must needs have long since purged the record of this contamination. I will give another instance of the uncertainty arising from the want of a Code, and the manner in which the intentions of the Legislature are often frustrated by inadvertence and mistake. In the 13th year of Elizabeth an Act passed punishing with the pains of præmunire, imprisonment, and confiscation, the taking of more interest than 10 per cent., but the 5th section adds:—

"Forasmuch as all usury being forbidden by the law of God, is a sin, and detestable, therefore in punishment thereof, whoever shall take 10*l.* in the 100*l.* or any lesser sum, shall be compelled to pay back the same to his debtor."

Now the subsequent Statutes of Charles II. and Ann, which lowered the rate of interest first to 8, and then to 5 per cent. only, forbade the taking more than those rates, without repealing the penalty inflicted by the former Act upon taking less. So that whoever now has paid 4 or 5 per cent. interest on any loan, may recover it back, as a matter of course,

from his creditors. In such a case the Courts have no choice at all; they must act when the party resorts to their jurisdiction; they cannot choose but aid the man who takes advantage of the sleeping law, awaking its dormant forms into mischievous activity; they must help him who would warm the torpid viper into noxious life; they are passive instruments in the hands of him whom the law enables to bring an oppressive suit, or set up an unconscientious defence against a just demand. I call upon your Lordships to rescue the Judges from such a position, by giving them a Code purged of such shameful impurities; a Code of Laws methodically arranged, so as to be conveniently consulted—clearly expressed, so as to be easily comprehended—concisely digested, so as to be well remembered. Having laid before you the extent of the evil which I call upon you to remedy, and glanced at the principles which should govern the remedy to be devised, I am relieved from the necessity of explaining them in greater detail, by the great Work which the invaluable labours of the Commissioners have enabled me to present for your adoption. The Code on your Table, with which their ample learning, their unwearied industry, their singular perspicacity have furnished me, at once presents the principles on which it is grounded, and their application to the Work which I committed, ten years ago, to their hands, and of which I superintended and occasionally assisted the execution. It arranges the whole of the Criminal Laws, both written and unwritten, under its several heads, in a luminous and convenient order; it adopts the most satisfactory definitions of the various offences dealt with, after a full examination of all the sources of our jurisprudence, whether statutes, or adjudged cases, or works of text-writers. Every light has been sought which from any quarter could be obtained to illustrate the various points successively treated, whether from direct authority, or from general principles, or from analogous cases where immediate decision fails; and by stating distinctly, among the existing laws, those enactments, or those Common Law provisions, which ought manifestly to be repealed, as sinning against principle, repugnant to reason, and unsuited to the spirit and intelligence of the age, we have enabled the Legislature at a glance to perceive what portions should be rejected and what retained of our established Criminal Jurisprudence. This Digest I now confidently submit to your consideration; and if adopting it, with such amendments as your wisdom may approve, you shall at length give your country the inestimable benefit of a complete Code, digesting the whole Criminal Law into one body, moderate in its bulk, logical in its arrangement, luminous in its diction, symmetrical in its form, easy to read, easy to understand, easy to remember, by the subject who is commanded to obey, by the counsel who is called to advise, by the Judge who is appointed to administer; then, my Lords, believe me, you will confer upon your country an inestimable benefit, upon your own names an imperishable renown—accomplishing the work attempted by Edgar the Saxon King, and giving to the laws "the strength of a faggot bound," "which might endure together;" fulfilling the prediction of Bacon, the first of philosophers, that his Sovereign would, by such a work, crown his own age with honour and profit in after times—performing what Coke, the first of lawyers, declared to be "a necessary duty, and a work of singular commendation"—realizing the wish of the first Stuart, enemy of all rash change, friend to all existing institutions, that a Parliament might be "devoted wholly to so worthy an enterprise"—yielding to the desire of Hale, the most venerable of the Judges who have shed light on the precincts of Westminster Hall, to methodise and divide the mass of written and unwritten law which scared him, but was as a mole-mill compared with the mass that overwhelms us in our latter day; a mass that scorns all bounds, and even exceeds all belief—executing that purpose which all statesmen of every caste have cherished, from Nottingham and Shaftesbury to Harrison and his brother fanatics, as if it were fated to meet the approbation of every intellect, from the highest to the meanest—rivalling the French Emperor, who surely foresaw that the Code of the Lawgiver would shed an imperishable lustre on his name when the throne of the tyrant should have crumbled in the dust, and the laurels of the conqueror withered away—finally, accomplishing the joint resolution of the two Houses by doing a work declared by them "highly expedient to be done," and showing that you concur in the noble sentiment of the Minister now at the head of affairs, and chiefly

prize your irresistible power because it enables you to do such deeds of enduring benefit to mankind. My Lords, I make no apology for having so long detained you on so great an argument, but I move you do give this Bill a second reading.*

The *Lord Chancellor*: I do not rise for the purpose of following my noble and learned Friend through the eloquent, able, and comprehensive speech he has delivered upon this occasion, but for the purpose of pointing out to your Lordships and my noble and learned Friend the course I recommend him to pursue with respect to this interesting and important subject. And first, with respect to the Commission to which my noble and learned Friend has referred. It is important, for the view I take upon this subject, to refer your Lordships to the purpose of that Commission, the terms of which were not read by my noble and learned Friend, and to which I, therefore, beg to call his particular attention. The Commissioners are required, first, to digest and form a compilation of the Statute Law of this country, as far as relates to crimes and punishments; secondly, to compile the unwritten, or Common Law, with respect to the same subject; and, for their third object, they are directed to consider the expediency of combining these two digests into one statute, or, of recommending, if they thought it better, that this statute should refer only to the first object. I believe it has been the opinion of the Commissioners that it would be better to combine the whole into one statute, and that has been the foundation of the Bill of my

* Appendix.—The principles on which a Code should be framed are not touched upon in this Speech; they are thus stated by Lord Brougham in his Letter to Sir James Graham:—

i. The first thing to be done is to adopt some convenient arrangement or classification of the law relating to crimes. The virtues of a good classification are these. It should exhaust the subject; its different parts should not interfere with, or run into each other; much less should it contain any repetitions; they should succeed each other, in such an order that no subject should be treated of under any one head, which had not previously been explained; finally, each head should contain all that belongs to it, so that its parts should not be separated by other heads. I conceive that the classification which will best answer this description is the following: The first division or head should give the Definition of all Crimes; the second should give the Punishment awarded to each; the third should give the procedure for detecting and preventing offences, or what may be termed the Law of Police; and the fourth should give the rules of Procedure for trial, in other words, the administration of Criminal Justice. It may be a question if the rules of evidence should not also be given as a portion of this fourth head. The first and second heads will, by a natural inclination of lawyers, be subdivided each into three; as crimes are either, Treasons, Felonies, or Misdemeanours,—a distinction in every respect unsatisfactory and illogical, because the foundation of it is not so much the difference in the offences themselves, as in the punishments by which they are visited; also because the Legislature has frequently enacted that the offence which at one time, or in one part of the kingdom is treated as a felony, shall be elsewhere considered as a misdemeanor only. If the innovation, therefore, be not reckoned too great and too sudden, I should greatly prefer classing all crimes according to a different plan,—as they are directed against the state; against the person of private individuals, against their property, and against their reputation.—It may admit of a question, whether the two first heads, Crimes and Punishments, should not be combined. Strictly and logically speaking, they should clearly be kept apart; and this separation has important advantages, among others that of avoiding to define the offence by its punishment. But there is also some material convenience, both in conciseness and in saving references from one chapter to another, in stating the penalty immediately after describing the offence.

ii. The next object to be attained, is the ascertaining exactly what provisions of our Statute Law continue in force; and those which are obsolete ought at once to be lopped off as if they had been abrogated. This will of course require a compendious enactment, within the scope of which may be brought also a considerable number of provisions, which are very rarely enforced, and never countenanced by any Court; I may mention, as an instance, the penalties for not attending Church, which were a few years ago drawn forth from their lurking places, to the great oppression of some persons engaged in poaching, to the great scandal of the country, and to the great injury of religion itself.

iii. No separation whatever should be between Statutes and Common Law provisions; and in collocation they ought to be incorporated together. But with a view to questions which may arise upon the construction of the Code, it is expedient that whatever is statutory be referred to as such, and a marginal note be added indicating the statutes from which each is taken. There is no occasion to

noble and learned Friend on your Lordships' Table. With respect to the first and very important part of the subject, I entirely agree with my noble and learned Friend, and I believe your Lordships will also agree, on consideration, that there can be no doubt as to the expediency of this part of the Bill. There could be no doubt it would be expedient to combine the whole statute-law of the country into one statute, and in the progress of that operation to do everything that could be effected by legislation for the purpose of removing the blemishes which exist in our statutes as relating to the Criminal Law, of removing those inconsistencies with which it is burthened, and also of repealing those absurdities—I may call them those mischievous laws—which in the early part of our system were admitted into our legislation, and still remain on the Statute-book, and which I consider with my noble and learned Friend, are a disgrace to it. I concur entirely with my noble and learned Friend in the expediency of that part of the measure now laid on your Lordships' Table, and no doubt I shall meet with the uniform concurrence of your Lordships and of my noble and learned Friends on this side of the House in my opinion with respect to the expediency of a statutory enactment directed to this object. With respect to this part of the measure, the codification of those principles and rules which are distinguished by the name of the unwritten or Common Law, as far as relates to crimes and offences, a considerable degree of doubt and difficulty, I believe, are felt. I have thought it my duty to make inquiry among persons connected with the

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add any note of the authorities upon which the Common Law portion rests: but whatever merely becomes enacted law, from having been unwritten law, should be distinguished from what is added, or now introduced for the first time. This may easily be done by a few words, or by a mark, as a marginal date.

iv. Care should be taken to follow that fundamental maxim of didactics, that of proceeding from more simple to more complex, and never referring forwards, but always backwards. No term ought to be used which has not been accurately defined, and nothing should be laid down to understand which it is required to have read what follows.

v. Above all, in legislation it is of importance never to use the same word in different senses, nor ever to use different words in different places to express the same thing. This is a good rule in all scientific writings, but in law it becomes the more essentially necessary, because Courts are often guided in their interpretation by observing the Legislature's use of words in different places. And in a Code the rule becomes the more important, because all its provisions form part of one text or Statute.

vi. It is of first-rate importance that the language to be used should receive a careful consideration. There are two modes of proceeding in this respect. The language of Statutes and of decisions may be translated into the vulgar tongue, and the substance of the Law as laid down by those authorities, together with such few portions of the Common Law as are well known, and yet rest not on adjudged cases, may be given in that common language. Or the statutory phraseology may be retained, and the judicial phraseology of the cases, leaving only the doctrines that rest on no decisions to be couched in language as nearly as possible such as the Statutes and the cases employ in similar matters. There seems every reason for preferring the second method to the first; but an addition is necessary; whenever the phraseology of the Statutes has received a judicial construction, the terms of that construction should be substituted for the terms employed in the Statutes. That this course of proceeding is the most advantageous must appear manifest, if we consider the questions which will inevitably arise upon construction. Those questions will be both narrowed in their number, and facilitated in their solution, by adhering to the language with which lawyers are familiar—the language which the Legislature has already employed—the language to which the practice of the legal profession has attached a known meaning. That wherever the Courts have adopted a language as expressing the true sense of the Legislature, that language should be preferred, it needs no argument to prove.

vii. The last consideration that may seem to deserve attention is the form of the Digest. Here again two plans present themselves. Either a single comprehensive Statute may be made, enacting, with all the formalities of our Legislation, each provision of the Criminal Law and Law of Criminal Procedure; or a Code of that Law, in both its branches, being compiled, it may be, by a single enactment, declared to be the Law, and all other laws may be repealed which regard the same subject matters. I think we can have no hesitation in preferring the second of these forms, on account both of its superior conciseness and convenience. Nor is it at all without a precedent. Hardly an Import Revenue Act of late years has been passed without certain rules being laid down, either in the Act or the Schedule, and these rules declared by a single enactment to be the Law, and to be taken as parcel of the Act.

administration of justice, and much acquainted with this subject, and I have heard in different quarters expressions of doubt, and suggestions of difficulty, which lead me to advise your Lordships to pause before you adopt the course of my noble and learned Friend; and I, therefore, request him and your Lordships to consider well before you take another step in this proceeding. Your Lordships are aware in what consists the unwritten or Common Law—a great body of principles laid down in our Text-books, illustrated and confirmed by repeated decisions, which the Judges in criminal cases, apply to the matter before them, and, I believe, in a manner to give universal satisfaction among all who take an interest in the administration of criminal justice in this country. It requires, my Lords, great consideration before you substitute for a system, which, I believe, has worked well, a set of statutory enactments, inflexible in their character, to be applied literally and strictly to circumstances as they arise. Without pressing any opinion on the House, and with the utmost deference for my noble and learned Friend, the next and an important question for consideration is this—are you sure that in the thousand articles contained in the Bill on your Table, nearly three-fourths of which apply to the Common Law, the rules laid down are so precise, and at the same time so full and comprehensive, as to embrace the whole of that system of principles which you are abolishing, to substitute another in its stead? It is not my intention to go into details with respect to this particular proposition. I shall only say they are of a most complicated description, requiring the greatest correctness of definition, and nicety of distinction, applied to subjects needing careful examination and consideration. I have great respect for the learning, talents, and industry of the learned Gentlemen by whom the articles are framed; but there is no individual set of men, whatever their talents, knowledge, and experience, on whom I would pin my faith for the purpose of abolishing the present system, and substituting a set of regulations framed by them, and not yet strictly revised; I am quite sure your Lordships will agree with me that such a course is not likely to be safe and satisfactory, and I am sure my noble and learned Friend himself, though I have no doubt he has looked through these articles, and examined them with care and attention, must himself be satisfied that it would be in the highest degree dangerous to abolish the present system, and substitute one perfectly different, except on the most careful revision and consideration. What does he propose? That the Bill should be read a second time, and referred to a Select Committee above stairs. What I have said must satisfy your Lordships that the Bill ought to be read a second time, because great part of it may safely be enacted—all that part relating to the statute law will be a wise, prudent, and useful improvement. But what will be the consequence of referring this Bill to a Committee up stairs? I do not consider that a Committee, consisting of noble Lords not bound to attend, would devote much of its attention or care to a minute and laborious investigation of the Clauses and articles of this Bill, so as to come to a safe and satisfactory conclusion. Therefore, what I would most earnestly press on your Lordships is this, that if upon consideration, it shall be found that the provisions of the Bill, or the principles of the Bill, can be safely carried into effect; if you can substitute for the common and unwritten law a set of laws as comprehensive as the law for which it was to be a substitute, and at the same time framed with as much care—if you can place implicit reliance on it, then you may accede to this measure. I propose, therefore, that the Bill shall be read a second time; shall stand over until the early part of next Session; shall be produced again, but that in the mean time Government shall direct its attention to it, and that with the concurrence and co-operation of my noble and learned Friend, Gentlemen employed under the immediate direction and supervision of Government shall go into every one of these articles in detail, and if they are of opinion that the substitution ought to be made, then that they shall take care that the articles are sufficiently full and comprehensive safely to carry into effect the measure in contemplation. There is another reason why I recommend this course, and why I think my noble and learned Friend ought to proceed more cautiously. Commissioners are at this moment examining into a most important branch of the subject—a branch that more required compilation and consolidation than any other part of the Common Law—I mean that part which relates to trials and procedure. In a short time they will have completed their labours and have made their Report, and the result will be, that we shall have a

measure consolidating the Statute Law, consolidating the trial, the form of proceeding, and, possibly, also consolidating all the principles and rules of the Common Law. At all events, a very great part of the measure will be carried into effect, and therefore, I recommend my noble and learned Friend, without entering further into this investigation, to adopt the course which I have suggested. I have not had time, nor is it possible, consistently with my other occupations, to go through these articles, but I have looked into some of them, and although I have great respect for the learning of those who framed them, I must say that in all respects they are not full and comprehensive, and do not apply themselves correctly to the state of the law.

Lord *Denman* concurred in the second reading of the Bill, being desirous that the first part (referred to by his noble and learned Friend on the Woolsack) should be unanimously agreed to. But the two objects of the measure—the consolidation of the written and of the unwritten Criminal Law—were quite distinct; and the latter required more careful consideration. He should be extremely sorry if, during the delay caused by any sufficiently deliberate consideration of that subject, legislation, for the purpose of removing from our Criminal Law some enactments of an unjust and offensive character, relics of a barbarous age of jurisprudence, and worthy of immediate abrogation, should be postponed. Of the effects of the continuance of such enactments numerous instances might be adduced; among which some had been alluded to already, as cases of Magistrates acting apparently in opposition to law, but, as it appeared, really in conformity to some unknown yet existing enactment. And the law as to forestalling and regrating was one of the most important examples in the history of evil legislation; for in 1773, Mr. Burke proposed and passed a Bill, which it was supposed had swept away all absurd and obsolete Criminal Law, whereas in the early part of the present century it was found that there remained yet enough of the old criminal Common Law, to render liable to penalties those who carried on business according to the ordinary course of trade in certain cases. And there might be enumerated other statutes which could at any time be made perhaps the means of the most annoying, expensive, and oppressive proceedings, even if not terminating in convictions for the alleged offences upon enactments of the very existence of which the majority of the community must necessarily be entirely ignorant. His noble and learned Friend had referred to laws which inflicted harassing and unjust proceedings on account of religion; and he admitted that such laws should be repealed, but at the same time he concurred in the opinion, that full inquiry should take place before any alteration was made. His wish was, to see all the morbid parts of our laws cut away, and he thought the improvement of the Criminal Code of a country was an object to which the attention of Government should be directed. It was, he repeated, desirable they should only proceed on full information, because unless they were acquainted with all the consequences it would be impossible for them to supply any proper and sufficient remedy to the existing evils. Beyond all doubt the object to which, upon the subject of Criminal Law, the attention of the Legislature should be directed, ought to be the simplification of our Criminal Code; and it was of the highest importance, that the most distinct information should be given to all parties of its provisions. He was friendly, therefore, to the investigation of the subject, and desirous of its being made as practicable as possible; but he was far from admitting that the evil was anything approaching to the extent which might be supposed from his noble and learned Friend's speech. When it was said that our laws extended over some 150,000 pages of printed reports, &c., and that legal decisions were multiplied in an extraordinary degree, it should be borne in mind that, for a large portion of this prolixity, Parliament was itself responsible,—seeing that of late there had been a most enormous multiplicity of new laws, the greater portion of which it was extremely difficult to explain and to enforce; and it was to be also recollected, that amidst the immense complication of circumstances arising in a great commercial country like this, it was natural that the public and the profession should desire reports of adjudicated cases fuller and more accurate than in olden times were usual: nor was it unimportant to observe upon this subject, that of this immense accumulation of cases the Criminal Law produced a very small proportion, owing to the improvements effected by the late Sir S. Romilly and Sir James Mack-

intosh and others. He must not omit this opportunity of paying a debt of gratitude to the Commissioners, who, acting on the authority of the Crown, had devoted so much time and talent, research and industry, to the improvement of the law. The public and the Legislature were exceedingly indebted to them for what they had done; and if the result of their labours had ceased with the publication of the Digest of the Criminal Law, as it now existed, they would be of the highest importance to those who had to administer the law, and of even greater advantage to those on whom devolved the duties of legislation. He thought the modification of the laws was a fit subject to be undertaken by the Legislature and the Government, and he entirely agreed that it was an object of paramount importance, that the Criminal Code of this country should be rendered as effective, and, at the same time, as humane as possible. He would not further trouble their Lordships.

Lord *Campbell* said, he hoped, before long, to see in this country a written Criminal Code. He believed that this was the only country in the world which had not such a Code. He thought that it was a reproach to their laws that they could not refer, with respect to crimes and punishments, to the particular chapter and section of their Criminal Code. His opinion was, that this was practicable, not only with respect to Statute but Common Law; and they might have murder, theft, and burglary, with the specific punishment affixed to each, all well arranged and classified systematically and harmoniously. At the same time he must say, in accordance with the opinion expressed by his noble and learned Friend, the Lord Chief Justice of the Court of Queen's Bench, that his noble and learned Friend who had brought forward this Motion had been guilty of the somewhat allowable exaggeration of an orator. His noble and learned Friend had considerably overstated the existing evils which they laboured under in reference to this subject, and had also overstated the advantages which might be expected to follow from the proposed change. It was not, surely, to be denied that the criminal justice of this country had been satisfactorily administered. And they could not expect that if they even had a Code, as was suggested, that they could put an end to all the doubts and indecision which on certain points at present prevailed. Until this Code shall have been completed, these doubts and this indecision must, however, be considerably multiplied. Nor must it be supposed that advantages would accrue to us from such a Code, at all equal to that experienced by France from the *Code Napoleon*, because in France every province had its own peculiar system of laws, and the great advantage of Napoleon's Code was to establish one uniform law throughout the country. They had, however, one uniform law in England and Ireland, and they, therefore, did not stand in need of a Code, in order to remedy such an evil. It was most desirable for the due administration of justice, that in every indictment a reference should be made to the particular article of the Criminal Code which was supposed to have been violated. Merely by way of illustration, he should say, that under the head of conspiracy, it would be desirable that this course should be pursued, so as to give a proper definition of that offence; and if there should be hereafter an indictment for conspiracy, there could then be very little doubt as to the particular nature of it. [The *Lord Chancellor*: There is a definition of it attempted in the proposed Code, but it is incorrect and imperfect.] Yes, it is in the Bill, but it would have been most satisfactory if there had been a clear and proper definition given to the offence, as he was suggesting. He would not refer to a recent trial in any manner or in the remotest degree for the purpose of giving offence; but he must say, that it would have been most desirable in the late State Trials, that the indictment in reference to them had referred to chapter, article, and section, in which the law was supposed to have been violated. He should very ill-discharge the duty which he owed to this House and the public, if he should say that this Criminal Code in its present form, ought to pass into a law. In his opinion such a circumstance would but have the effect of producing universal confusion. Let not the House, however, suppose that he was at all indifferent to the valuable labours of those Commissioners who had given up so much time to this subject, or that he did not possess the same sense of obligation towards them as had been expressed by his noble and learned Friend. They had done their duty with much ability and activity, and in a manner that was most meritorious. But what was that

duty? To digest the law according to their notions of the Statute and the Common Law as it now existed. They were not to alter, but to arrange and to declare the Law. What, however, did he find in this Report? His noble and learned Friend, who had introduced this subject, said that he had read it very accurately, otherwise he should be inclined to suppose that it was only a general view which he had given to it, and that he had neglected to look into the matter in detail. There was here to be found a repetition of the old laws which had become obsolete—there was the law of *scandalum magnatum*, which made it penal to say anything of their Lordships. This was a barbarous law and ought to have been repealed. He also found the statute having reference to forestalling and regrating, which it was supposed, had long since fallen into desuetude.

The *Lord Chancellor* had understood that his noble and learned Friend (Lord Brougham) had taken the whole law as it at present existed, with a view of presenting the whole to the House, and then that those parts which were considered objectionable might be struck out.

Lord *Campbell* said, it seemed to him that his noble and learned Friend had thrust in his sickle before the harvest was ripe. To think of passing this Code in its present undigested state was most inexpedient. As to referring it to the Committee above stairs, it should be recollected that the noble and learned Lords met here at about half-an-hour before five o'clock, when they generally commenced talking over the news of the day, and what was likely to come on for their consideration, and whether his noble and learned Friend (Lord Brougham) was likely to make a long or a short speech, in order that they might judge when they were likely to get away to their dinner. To think that the Criminal Code could be reformed under such circumstances, was a notion which he thought it impossible for them to act upon. He was of opinion that this must be done under the immediate superintendence and responsibility of the Government. This Bill would of course be read a second time, when they would be thereby affirming the principle of the Bill, and would be advancing in a right line in making progress in the matter.

Lord *Brougham* said, that his noble and learned Friend was nearly counted out.* He thought that nothing could be more unfair than the course which his noble and learned Friend had taken in reading the laws respecting forestalling and regrating. This digest contained the laws exactly as they now existed, with that of *scandalum magnatum* amongst others, not with a view of their being all re-enacted, but, as the noble and learned Lord on the Woolsack had stated, for the purpose of the objectionable parts being struck out. It was his own wish, and had always been that of the Commissioners, to have the digest submitted to other eyes than their own; and he conceived it better that a fuller Commission should examine its details, than a Committee of the House. Of course no time should be lost in repealing those Acts which were on all hands allowed to be unfit for our times, and which had been embodied in the Code, expressly in order to their being at once observed and repealed. He must congratulate his noble and learned Friend on the Woolsack in making the discovery, that there were lawyers more able, and possessing greater knowledge in the Criminal Law, than his most excellent Friend, Mr. Justice Wightman, one of the Judges of the Court of Queen's Bench; and than another of his learned Friends who had confessedly shed more light upon the Criminal Law of the country than any other man, and who was beyond comparison the most profound criminal lawyer he had ever known—he meant Mr. Starkie. He should wish to get a sight of these *obscuri viri*—these great unknown. Their names should at once be brought to light; and he thought his noble and learned Friend ought to have them promoted to the highest judicial situations. He should wish, if it were possible, to have the subject referred to a Commission *de inquirendo*. He hoped that the noble and learned Lord would not any longer withhold their names, as he should wish to bow down before such great authority.

Lord *Campbell*, in explanation, said that, whether they passed this Bill into a law or not, it would be still the Code of the country. Why did he say so? Because, at this moment, the Judges used it as a Code, and the dust lay on the books

* There were only present at this stage of the proceedings the Lord Chancellor, Lord Brougham, and Lord Campbell.

on their shelves containing the laws which were collected here in this digest.

The *Lord Chancellor* proposed forthwith to refer to Commissioners these several Acts of Parliament, with a view of ascertaining whether or not it would be advisable to repeal or alter them in the present Session of Parliament. He wished to set himself right in reference to one point which his noble and learned Friend had commented upon. He had never meant for one instant to undervalue the labours or the ability of the Commissioners; on the contrary, he thought that no men could have discharged their duty better or more satisfactorily than they had done. Upon this subject he should say,—

"Verum ubi plura nitent in carmine non ego paucis
Offendar maculis ———."

Bill read a second time.
House adjourned.

HOUSE OF COMMONS,

Monday, May 13, 1844.

MINUTES.] NEW WRIT. — For Launceston, *v.* the Right Hon. Sir Henry Hardinge, K.C.B., Governor General of India.

NEW MEMBER SWORN. — Frederick Thesiger, Esq., *for* Abingdon.

BILLS. *Public.*—1°. West India Relief.

2°. Turnpike Acts Continuance (Ireland); Unlawful Oaths (Ireland); Assaults (Ireland).

Reported.—Stamp Duties.

3°. and passed:—Edinburgh Agreement.

Private.—2°. Preston and Wyre Docks; Rodbard's Name.

Reported.—Malan's Naturalization; Ness Fisheries; Pultney Town, Harbour, and Improvement; Figge's Naturalization; Nottingham (West Croft Canal) Improvement (No. 2); West Croft (Nottingham) Inclosure (No. 2); Southampton Improvement; Eastern Union Railway; Garnkirk, Glasgow, and Coatbridge Railway; Sidmouth and Cullompton Road.

3°. and passed:—London Gas; Bleddfa and Llangunllo Inclosure; Farrington and Cwmgilla Inclosure.

PETITIONS PRESENTED. By Mr. Serjeant Murphy, from Limerick, against Irish Registration Bill. — By Mr. S. Crawford, from Liverpool, and Birmingham, for Universal Suffrage.—By Mr. G. Palmer, from Little Hallingbury, and Sir A. L. Hay, from Elgin, against Dissenters Chapels Bill; and by Mr. Greene, from Lancaster, in favour of same.—By Mr. C. Russell, from Reading, for Alteration of Ecclesiastical Courts Bill. — By Mr. Shaw, from Cashel, and Waterford, against the Education System (Ireland).—By Mr. Boyd, from Ireland (7), and Sir A. L. Hay, for Legalizing Presbyterian Marriages (Ireland).—By Mr. W. Patten, from T. Eastwood, respecting Mortmain. — By Captain A'Court, and other hon. Members (9), against Union of Sees of St. Asaph and Bangor. —By Mr. Cochrane, from Annan, and Mr. H. Drummond, from Auchterarder, against Abolition of Tests.— By Lord Hotham, from Yorkshire (42), and by Lord C. Manners, from Bakewell, against Repeal of Corn Laws. —By several hon. Members (6), in favour of Art Unions. —From Abbey Paisley, for Extending Factories Act to Bleaching Works.—By Mr. W. Patten, from Manchester, against County Courts Bill. — By Mr. Bell, and Viscount Clive, from Northumberland, and Shropshire, for Compensation.—By Mr. P. Miles, from Bristol, for Inquiry into Chancery Compensation.—By Mr. E. Tennent, Mr. J. Cowie, and others, against Limiting Hours of Labour; and by Lord Ashley, from Accrington, and Basingstoke, for same.—By Mr. Balfour, from Haddington, respecting the Perth Penitentiary. — By Mr. Barnard, from Greenwich, Sir G. Strickland, from Preston, Mr. R. Yorke, from York, and Viscount Jocelyn, from Lynn, for Alteration of Poor Law.—By Mr. Thornely, from Liverpool, against Rating Owners of Tenements.—By Mr. H. Drummond, from Auchterarder, for Improving Condition of Schoolmasters (Scotland). — By Mr. Buck, from Great Torrington, and by Sir S. Spry, from Bodmin, in favour of Small Debts Bill.

NEW WRIT — GOVERNOR GENERAL OF INDIA.] Sir *T. Fremantle* moved, that a new writ be issued for the borough of Launceston, to elect a Member to Parliament in the room of Sir H. Hardinge, who had been elected Governor General of India.

Viscount *Howick*, before the writ issued, wished to ask the right hon. Baronet if the acceptance of the office of Governor General of India vacated a member's seat, as such did not, in his mind, sufficiently appear from the terms of the Act of Parliament upon that subject?

Sir *T. Fremantle* had referred to the Act about a week ago, and was of opinion that by it such an appointment vacated a member's seat.

Viscount *Howick* said, that the Governor Generalship was not an office under the Crown, and hence the difficulty. The seat would, of course, however, be vacated by the length of absence.

Mr. *M. Philips* thought there was another question involved in the matter, as the right hon. Baronet could not be said to be Governor General till he was sworn into the office at Calcutta.

New writ ordered.

FALSE SIGNATURES TO PETITIONS.] Mr. *B. Cochrane* said that, in consequence of the answer which he had received from the hon. Member for Rochdale on a previous night, he had communicated further on the subject which he had then alluded to with the gentlemen who complained of having had their names falsely attached to a Petition, and he had requested them to forward their statement of the grievance which they complained of. That statement set forth that a Petition had been presented to the House, purporting to be from the town of Bridport, complaining of the grievances of the people, and praying that the supplies for the Army and Navy might not be

granted till these were redressed. It contained a request that the signatures might be communicated to them, that they might be compared with their own, and it stated that the sentiments contained in the Petition were totally opposed to theirs. This statement was signed with the names of Mr. Stroud, Mr. Roberts, and others, who were among his principal supporters. It would be casting a reflection on these parties if it was not known that the Petition really came from other persons, and that they themselves did not agree with its sentiments. He thought it his duty to bring this matter before the House, as he had been requested by those concerned to do so.

Mr. *S. Crawford* said, that he was now in a better condition to give the hon. Member information on the subject than when he last questioned him with regard to it. The letter which he then held in his hand was from a gentleman of the name of Northmore, who wrote from the report which he had seen of the proceedings in the House upon a former occasion. He wrote that he was the person who got up and forwarded the Petition; that he witnessed the greater number of signatures; but that a person was employed to carry about the petition, who was not then in the borough. But he wished to be informed what the names were which were attached without the knowledge of the parties to the Petition, and he would make every inquiry in his power upon the subject, although, as far as his knowledge went, he was not aware of any names being signed to the petition without the authority of the parties. He would give the names of the gentlemen, that further inquiries might be instituted, as he was most anxious that the circumstances under which this petition was presented by him should be fully investigated.

The South Wales Commission.] Colonel *Wood* wished to ask the Secretary of State for the Home Department, whether it was his intention to originate any Measure upon the Report of the Commissioners who visited Wales last year, and if so, when he intended bringing it before the House.

Sir *J. Graham* said, that he had already mentioned his intention upon that subject. The bill was then in an advanced state of preparation. The right hon. Baronet, in answer to the question of an hon. Member, stated, that the provisions of the Bill which he contemplated would in the first instance only extend to six or seven counties, and that if it was found to answer it would afterwards be made a general Measure.

Colonel *Wood* intimated, that in consequence of what had fallen from the right hon. Baronet, he would postpone the further consideration of his Lime Bill for the present.

Hours of Labour in Factories—Adjourned Debate.] On the Order of the Day for the resumption of the debate on the adding Lord Ashley's Clause to the Factories Bill,

Mr. *Liddel* wished to take up the time of the House only for one moment on a matter of a personal nature. He found himself so sharply attacked in the newspapers of this day for a supposed crime of which it had been said he was guilty—if, indeed, it could be considered a crime, and not a virtue, to retract an erroneous opinion—that he must take this opportunity of saying a few words for the purpose of setting himself right with the House and the public. In the *Times* of to-day he had been asked if he could be possibly aware of the baseness of his conduct? And the *Morning Herald* said, that he had not only made shipwreck of his own character, but that of his party. [*Loud laughter.*] It was all very well for hon. Gentlemen to laugh, but these newspapers exercised a considerable influence upon the public mind, and certainly these were rather hard words to apply to a Member of this House, who had given a perfectly conscientious and independent vote. He wished to take this opportunity of repeating what he stated at the outset of the observations he made to the House on Friday last. He stated that during the whole of the discussion which took place previously upon this subject he was absent from the House, and that never on any former occasion did he by vote or language afford any person the slightest encouragement to suppose that he gave any support to the proposition for a ten hours' Bill.

The Order of the Day was then read, on which

Mr. *Monckton Milnes* said, that if he had not been fully aware that there were other Members of far more importance than himself who wished to address the House,

he would not on his own account have desired an adjournment. Nor was it his intention, after the full discussion which the subject before them had already undergone, to trespass at any length on the indulgence of the House, and he was the less disposed to do so from his conviction, that the subject would come again and again under the notice of the House, till the principle contended for by his noble Friend's Motion should prevail. The question was one on which men were apt to be excited in proportion to the interest which they took in it. Under such excitement, he had on a former evening used language rather disrespectful to the Government, and particularly so to the right hon. Baronet, the Secretary for the Home Department, which in a more cool moment he would not have used, and for which he now tendered his ample apology. He could not go so far, however, as the hon. Member for Nottinghamshire, in making concessions, and there was one phrase he had used in the course of a former discussion, which ought not to be retracted. He had then said, "that the opponents of his noble Friend's Motion must be responsible for the national guilt of the unrestricted factory system." That phrase had been referred to by the right hon. Gentleman, the late President of the Board of Trade, who observed, that if that were so, we had already been guilty of a national sin in not having done long before what his noble Friend's Motion now called on the House to do; but that observation just left the question as it found it. It had been his lot to live much abroad, converse with politicians of various countries on the subject of our trade and commerce, and though he could not exactly wish with the poet,—

> "Oh! would some power the giftie gie us,
> To see oursel's as ithers see us".

Yet we ought not wholly to disregard the light in which we were viewed by foreigners, and should not entirely leave out of our consideration the estimation in which other nations held our factory system. Could it be a matter of surprise that other countries should regard our factory system in a somewhat similar light to that in which we regarded negro slavery in America? Let the House recollect what was said by one of our poets, Cowper, when speaking of the means by which some branches of our commerce were carried out in his day. He spoke of men, who

> "——— disclaiming all regard
> For mercy and the common rights of men,
> Build factories with blood, conducting trade
> At the sword's point, and dyeing the white robe
> Of innocent commercial justice red."

The reproach which the Slave Trade of that day cast on our national character, had since happily been removed by the abolition of slavery. It was curious to look back at the debates of that day, and to find that arguments similar to those now used against the Motion of his noble Friend, were at that time urged with equal warmth to put it beyond all doubt, that the abolition of the Slave Trade would be a death-blow to some of our most important commercial interests. Similar arguments were now urged against an abridgment of the labour of young women and children in our factories. Those arguments would, he firmly believed, be found equally fallacious in the present time as in that former period to which he referred. He would not believe that the Legislature which had voted 20,000,000*l.* of the public money collected from an over-taxed people to procure the abolition of Slavery in our colonies, and in doing so risked the security of our most important West-India interests, in order to remove a scandal from the English name, would eventually hesitate to abolish every trace of slavery in our domestic institutions. The expenditure of those 20,000,000*l.* for so worthy a purpose was a noble use of riches. It had been truly said, that "riches are strength as they are food, they are the means of procuring both," What was the distinction between the slave and the free man? In the case of the slave his time was his master's—his wife left her family to work for her master—the children were taken away to work; slavery might be said to consist in one man holding his life at the will of another. But what was life? It was the living hour. It was the power of receiving religious, intellectual, and moral improvement. This constituted the chief distinction between the freeman and the slave. The free labourer ought to be free in some other sense, than to be free to starve, or free to break the law if he chose to take the risk of punishment. It became the Legislature, then, to remove the evils which the factory system presented to the improvement of the freeman with as much zeal and earnestness as they had shown in removing slavery. His noble Friend had brought this question forward, because it

was impossible that, by any other means education could be given to the children and young persons in factories. They might do all they could to give education and recreation; but under the present system in factories, the young could derive no benefit from such gifts, for they had no time for improvement. Unless that objection were got over nothing would be done for the young in our factories. It had been said, with a sort of triumphant air, on a former evening, that the evils now complained of with respect to factories were not necessarily inherent in them, for that persons were employed in factories in other countries, where the hours of labour were the same or even greater, and no such complaints were made. Had either of those right hon. Baronets, who referred to the establishment at Lowell, in New England, read the whole of Mr. Godley's letters, instead of a garbled passage, the House would have found that they had drawn most erroneous conclusions from them. Mr. Godley, after referring to the system at Lowell, went on to say,—

"At the same time, when the example of Lowell is quoted to show that the evils which have in Europe universally attended the manufacturing system are not inevitable in it, I cannot admit it to be at all conclusive. The experiment has been tried under eminently favourable circumstances, and in a country where the working class has advantages unknown elsewhere; nor can I conceive that when it shall be fully peopled, when the wages of labour shall have fallen, and when the manufacturing shall come to bear an important numerical proportion to the agricultural population, the favourable contrast which the New England factories now present to those of England, France, and Germany can continue. At present the factories are supplied by perpetual emigration from the agricultural districts; farmers' children come in from the surrounding states, spend three or four years here, accumulate a small capital, and go off to marry, settle, or embark in other pursuits, leaving their places to be supplied by a fresh influx of healthy rural blood."

This statement would show that the comparison made by the right hon. Baronet as to our system, and the Fourteen Hours' System at Lowell did not at all hold good in their most important points. Another case had been quoted by the right hon. Gentleman the President of the Board of Control—the case of St. Gall, in Switzerland, where doubtless every festival of the Church was preserved, and where, no doubt, did take place that second Sunday, which the right hon. Baronet regarded with so much horror, but which he (Mr. Milnes) would be glad to see established. He could, indeed, fancy the right hon. Gentleman standing up in the National Convention some fifty years ago, and using the self same arguments as he had now done, in favour of abolishing the Christian Sabbath, and taking the tenth day instead. He considered that his noble Friend had made out an *à priori* case; the advantages of his recommendations were undeniable, and no one but the hon. Baronet, the Member for the Tower Hamlets (Sir W. Clay) had deemed the factories a perfect Arcadia, or had thought it would not be an advantage if the purposes of his noble Friend could be carried out. Supposing they could give young persons time for education, to the women time for domestic employment, and even if the adults could have more leisure without injury, no one doubted the advantage. They were met, however, on the threshhold with the declaration that they had better not interfere. That objection had been cleared away by the enormous majority of that House. He was happy to think that that question would never again be started in that House, and though as a simple crotchet, many able men might entertain it, yet that the House, as a body, had given to it a formal, a distinct, and a practical negative. It was of great advantage to have this doubt cleared away, by the right hon. Baronet himself introducing into his Bill a Clause limiting the labour of the young people to ten hours, although, by a peculiar kind of ingenuity, what advantage in the hours of labour he gave to the young people he took out of the children, who now worked only six and a-half hours a day. It was also said, "why interfere here when you do not elsewhere?" His answer was, because here they had the power; and because they had the power, they had also the responsibility; where they could do any thing which they refused to do, to improve the moral condition of the people, they incurred great moral responsibility by the refusal. All legislation was in fact interference. Was not the stopping of the Arts Union the other day an interference with free labour? Was not the very violent, but he admitted, very proper interference of the police with the gaming houses at the West End the other evening, an interference with the free employment of capital? But, "oh," said the right hon. Baronet, "you will spoil the cha-

racter which distinguishes Englishmen by interfering." Now, notwithstanding this independence of character, it was these very Englishmen who came and asked for protection. The question was not whether they should step in voluntarily, but whether they should refuse to step in when called upon to enter? It was not the strong and safe swimmer who called upon them to come to the rescue, but it was the appeal of drowning men. He had heard much of the diminution of wages, which would be the consequence of this diminution of time; but the noble Lord, the Member for Sunderland, had so satisfactorily answered that objection, that there was little left to say. He would only tell the House that one of the largest firms existing in England—if he mentioned the name it would meet with universal respect — had expressed their conviction that if this Bill passed, and they could work their machinery for sixteen hours, by relays of workmen of eight hours each, they would be enabled to make the same profits, and give as much wages for eight hours' work as they did now for twelve. If he compared this declaration with Mr. Senior's statement, he believed it not only to be possible, but probable. Some years ago the workmen laboured for sixteen hours for the same amount of wages as they now earned in twelve. There might be some panic at first. The manufacturers might at first be unwilling to pay the same amount of wages when the time was reduced, but he believed they would do so in the end, and the labourers were themselves willing to chance it, as they called the risk of the reduction of wages. If he had studied political economy at all, he knew of how much importance it was to ascertain the limits of the subject, and that there were some questions to which its doctrines were inapplicable. If a reduction of two hours took place, it would be of little use to the labourers, if means were not devised by which they might spend them profitably; and he was confident that the great and generous manufacturers of the country— such men as the Marshalls, the Greggs, the Ashworths — would find means of making the change profitable to them. The importance of the foreign market had been dwelt upon, but from the improvements which were every day taking place in machinery, and the facilities which were afforded for its exportation, it seems improbable that England can retain all the old markets of the world. Let them not for a feather weight, as the hon. Gentleman for Clitheroe called it, preserve a system which, by the medical evidence, was deteriorating the physical condition, and which prevented the moral improvement of the people. Every day machinery was approaching to simpler forms. The improvements were such and so rapid, that our manufacturers could hardly keep pace with them, and probably the time was not far distant, when some chymical preparation would be substituted for the use of coals. The common sense of the country felt that some change must be accomplished in order that we should maintain ourselves in the position which we now held. He was quite ready to acknowledge that no effort should be spared to preserve to us the enjoyment of our manufacturing ascendency; the more especially did he feel the force of this, when he recollected the probability of our being rivalled in every branch of our machinery. With the application of chymistry and of voltaic electricity, every form and variety of scientific improvement must come into full play, and this would become the more easy to foreigners as they now were at liberty to import machinery from this country. If it were true, therefore, as Colonel Torrens said, that our prosperity was owing to an Englishman producing more than any other man in a given time, they might regard their manufacturing superiority as at an end, and they must seek other means of keeping themselves in advance of the rest of the world. If the Government thought the peril so great and immediate, why did they not take off the duty on raw cotton? The Government had placed themselves in a wrong position before the country with regard to this measure. They were accused of inhumanity, and want of feeling towards the working classes; but how much was this at variance with the great provisions of the present Bill. By taking a different course, they might have avoided placing themselves in such a position. If they had placed the issue on the efficiency of their own Bill, and had said if that did not succeed they would try what others had proposed, they might have maintained their opinion as resolutely, without exciting the feeling of the people, who now understood protection to the factory worker as equivalent only to a ten hours Bill, and a ten hours Bill they declared they would have. Petitions had been presented to that House against such a measure by 360 masters. What must be the feelings of

the workmen, who consider ten hours as their protection, towards those 360 masters who petitioned against them? It was in vain for the Government to declare they had gone far enough, and would not go any further. It would have been better for them to have done nothing at all, or to have withdrawn the Factory Bill altogether. But they knew the necessity for having this Factory Bill; they knew that all the assertions about non-interference were unmeaning and vague, and that a Factory Bill was as necessary for the country as any Bill which could be brought before the House. Believing confidently, therefore, in the successful result of this measure, then or at some future period, and agreeing with the noble Lord the Member for Sunderland that the people of England had never determined to have any great measure of a social or political nature which they did not ultimately gain, he hailed this Bill as the harbinger of a better system of legislation than had hitherto prevailed. He hailed that fusion of party which they then witnessed as something better than the binding of hon. Members for the purpose of misrepresenting their opponents. He saw banded together on that occasion a large body of men, who were more regardful of the social interests of the people than of any political consequences. He did believe that that Bill would lead to many important results. He did believe that if, on the question of the Corn Laws, it was distinctly made out that the repeal of those laws would be for the benefit of the mass of the people, the Corn Laws would be repealed. He believed that that and all other great social questions which came before them would have a better chance of coming within the domain of argument, and that the people would repose in that House such confidence as had never been reposed in it since the time of the Reform Bill. There was one other subject upon which he would touch very lightly, on account of its delicacy. Some hon. Members had declared their intention of voting that night differently from what they had voted on other occasions. He was not going to make himself their censor; but he implored them to remember that in the opinion of the whole country, they would for the future be marked men, and that the factory question would henceforth be regarded in connexion with their names. The right hon. Baronet at the head of Her Majesty's Government had told them that before three months passed away all those hon. Members who upbraided the Queen's Ministers for their obstinacy would then admire their firmness and applaud their consistency. For his part, he believed that, on the other hand, the Government themselves would view, with still more respect than ever that degree of approbation which they hoped to attract to themselves, the conduct of those Members of that House who held fast to their purposes and maintained their principles. Such a line of conduct was greatly to be preferred to the course pursued by those who, for the mere sake of saving Her Majesty's Ministers from a temporary inconvenience, were about to act contrary to their judgment, who were to stay away from the decision, or register their votes against the proposal of his noble Friend which they formerly supported.

Mr. *Ward* observed, that the hon. Gentleman who last addressed the House had resorted to a most convenient mode of settling this *vexata questio*. The hon. Member had not presented to them any fresh or original reasonings; but after availing himself of all the usual arguments, the hon. Gentleman assumed that an *à priori* case had been made out by the noble Lord the Member for Dorsetshire. He told the House, that if the object which he had in view could be practically accomplished—if it could be effected without any diminution of the national wealth, then it was to be regarded as a matter in the highest degree desirable. Why, that was a truism which they all admitted. Throughout the whole of his speech the hon. Member opposite appeared to be begging the question for the purpose of making out the case of the noble Lord. But the question which they were really called upon to decide, was this —would they, or would they not, aggravate the evils, which afflicted every class connected with manufactures, by carrying out the project now under the consideration of the House? This question the hon. Member had shrunk from. He had found it more convenient to assume, that he, and those who thought with him, must be right, because the House of Commons had been surprised into affirming the proposition for which they contended. But it should not be forgotten, that there was scarcely a proposition of any kind which the House had not affirmed. He should like to know what they had not voted? The House of Commons had affirmed, not thirty years ago, that a one pound note and a shilling were worth 27*s*., but did this make them worth it? In the reign

of George III. they settled the wages of tailors by Act of Parliament. They affirmed then, that in ordinary times, the wages of a tailor ought to be 2*s.* 3½*d.*, and in times of public mourning, 5*s.* 7*d.* Now, he should like to know upon what principle it was declared that 2*s.* 3½*d.* should be the amount in the one case and 5*s.* 7*d.* in the other? In neither case was the law carried out, for, within twelve months, it was laughed at by all parties. The hon. Member who last addressed them, appeared to justify the advice which he gave, on the ground that the House possessed the power to do what he recommended. But ought they not first to ascertain whether they had the right, before they proceeded to exercise the power? It had been said that political economy was a very ill-used science—no one seemed to know its proper limits. That was an assertion, in which he agreed, for he could hardly conceive greater outrages upon that unfortunate science, than had been perpetrated in that House, in the course of the present discussion. He would not follow the hon. Member, who had preceded him, into details. The House was tired of them, and he had hoped that the discussion might have been ended in a single night. He thought that such a result would have proved alike satisfactory to those whom he opposed, and to those in whose views he happened to concur; but since it was otherwise, he must be pardoned for replying to some of the many remarks which had been addressed to him personally, on the preceding evening, though he had not been much affected by censure proceeding from Gentlemen, who had themselves laid down such very incomprehensible doctrines. His hon. Friend the Member for Weymouth, for example, had complained that the question now before the House had been treated in too philosophical, and too theoretical, a spirit. The hon. Member said, that human beings were not like chessmen, to be moved from one side of the board to the other, as suited politicians. That reproach surely did not apply to those who objected to all interference. The hon. Member for Birmingham also objected to the speculative character of the discussion, and told the House, as his deliberate opinion, that the whole foreign trade of England was not worth having. That surely was a strange declaration to come from the representative of a manufacturing town, two-thirds of the produce of which was dependent upon foreigners for a market. The hon. Member for Nottinghamshire said, that he hated tall chimnies, and political economy; but would give his support to the Government Measure, because, having had time to reflect, and grow sober, he felt convinced, that the Government was right, and that he had been wrong, originally, in opposing it. Now, the difference between the hon. Member, and those who thought with him (Mr. Ward), was this, that they had reflected before they voted, while the hon. Member for Nottingham gave three votes before he reflected at all, and was deservedly ashamed of himself afterwards. But even now that hon. Member was obviously unacquainted with his own case. He was one of those happy persons who were born with silver spoons in their mouths. He had had nothing to do but to sit with his arms folded while the long chimnies which he hated went on doubling his fortune, by the application of the principles of that very science which he still affected to despise. Hon. Members talked of theory. What was theory? Colonel Thompson said, that theory told a man not to run his head against a post, because it was the hardest of the two: but if he doubted the theory he had only to reduce it to practice, in order to get a convincing illustration of its truth. It was well that they should understand the theory before they tried the practice, and the larger the experiment the more need was there that the theory should be sound; and this was why he would not take for gospel everything which the noble Lord the Member for Dorsetshire said. He did not fear innovation of any kind; he was not one of those who thought so much of the wisdom of his ancestors, that he was unwilling to do anything for himself, lest he should happen to run counter to the ideas entertained 200 years ago. On the contrary, he advocated the largest and boldest change, and went much farther than either his hon. Friend, the Member for Weymouth, or the noble Lord, in his support of them, for he did not allow private interest to stand in the way of his conceptions of public good. His hon. Friend had told him, last night, that the economists, as he was pleased to call them, were all good, kind men, individually, but the most hard-hearted, and short-sighted of mortals, as a class. But they were, at all events, sincere. They carried their principles out. They did not stop short in the application of them, just at the point where the interests of the working classes came into col-

lision with their own. Why did his hon. Friend refuse to the people of England cheap sugar? Why did the noble Lord refuse them cheap corn? Because these were questions that touched their own class interests, and it was more convenient to fall back upon a ten hours' Bill. But he (Mr. Ward) did not allow private feeling to stand in the way of giving the fullest and fairest consideration to all questions affecting the working classes. He did not like people to use very poetical language about humanity—they would be almost sure to do less than others, by way of practical relief, when their interests came to be affected. He did not like such blind, and blundering, benevolence. He liked to see his way. He did not like people to speak in hieroglyphics, and legislate in the dark, and upon evidence so contradictory that they might prove, and disprove, everything out of the same blue book containing the evidence collected by the Factory Commissioners in 1833. He had accused the noble Lord before of having exaggerated his case, both as to the amount of labour in the factory districts, and its effects. He never meant to impute to him wilful misrepresentation; but he said that, on looking into that book, he had taken that part of the evidence which told most strongly in his own favour, and had overlooked the rest; and it was very natural that he should do so, when all the witnesses gave the most contradictory evidence as to facts. He could explain this by a very natural theory, and that was, that there was hardly anything against which they might not get up a case, if they employed two or three clever medical men and two or three lawyers, and gave them an inkling beforehand of the conclusion at which they were desired to arrive. Every page in the Factory Report was at variance with some other part. Medical men—Sir David Barry and Dr. Loudon—contradicted Dr. Bissett Hawkins;—and Mr. Horner, to whom the noble Lord had appealed, constantly contradicted himself. He was looking the other day at the Sanatory Report, which bears Mr. Chadwick's name, and he found in that Report a case got up against the trade of the tailors quite as strong as that which the noble Lord had represented to the House against factory labour; and this was done upon the authority of a medical man, whose name he (Mr. Ward) was told was an European one, though he (Mr. Ward) confessed he never heard it before,—M. Patissier, who went to the very bottom of the tailor's employment, and who proved that a tailor was a sort of walking concentration of all the evils that a man could be afflicted with. He proved that this trade caused phthisis, emaciation of the lower limbs, a peculiar walk, affections of the eyes, and other affections, all tending infallibly to shorten life. The tailors, when they heard this, were indignant, and Mr. Brownlow, himself a working tailor, contradicted the calumny, and proved that the tailors were exceedingly active, well-grown men,—that they were fond of foot-ball and cricket, and that in one of their strikes they had furnished a large number of fine men for the Guards, and that the only diseases which prevailed among them as a class, arose from habits of intemperance, and impure air. The late Mr. Thackrah, a man of great eminence in the medical profession, had devoted himself to the inquiry of the effect which different trades produced on health, and had given the results of his inquiries into 250 trades; and from that inquiry it appeared that there was not one man in ten who enjoyed the full plenitude of health. Some lived too low, and others too well; some ate too much; some wore themselves out, by over exertion, and some had not exercise enough to preserve health. And then the mind was just as fruitful a source of evil as the body. Anxiety killed as many people as fatigue. Idleness was as dangerous as over-work. Farmers died of apoplexy, Lords and Aldermen of gout. None but the trades of slaughterhouse-men, tallow-melters, nightmen, and other such trades as few people would like, were found to be compatible with perfect health; and a man might die, with Mr. Thackrah's book in his hand, before he could decide how he ought to live. This proved how much they ought to distrust the evidence relating to the effect of factory labour, which had been adduced. It was possible always to get up a case against any employment; and they ought not to disgust men with labour by dwelling too much on the evils to which all kinds of labour were subject. Unfortunately, in this country, labour was the condition of life even with women and children, as well as men. They might improve and mitigate the system by indirect legislation, but it must be more by measures in the power of the Chancellor of the Exchequer than by a ten hours' Bill—more by altering and improving the fiscal system, than by dealing

with its effects; for nothing was so preposterous and hopeless, as to attempt a remedy for existing evils, by dealing simply with the consequences of the system by which those evils were produced. They must compare factory labour with other labour, in order to judge of its effects. And he challenged this comparison. He affirmed, that factory labourers were better paid and better treated than the great majority of labourers at other employments in this country. They had heard the noble Lord the Member for Sunderland quote Adam Smith's axiom, that labour was the patrimony of working men, and that they had no right to interfere in its adjustment without being well satisfied that there was a necessity for such interference. He called on the House to consider well before it pronounced that a sufficient plea for such interference had been made out. When the noble Lord the Member for Dorsetshire asked for interference in the case of factory labourers, had he inquired into the case of female nailors, employed at Sedgley, and Birmingham, of whom his own Commissioners had said, that they learned, at eighteen, to curse, swear, drink, and smoke, like the young men with whom they worked; that morality was a thing unknown amongst them; in fact, "they had no morals at all."? Look at the lace-making by hand in Nottinghamshire, and Bucks. In Bucks children of four or five years old were crowded, in the winter evenings, into cottages with three or four candles burning and no fire, learning their trade, and obtaining warmth from mere animal heat. Look at the weavers in Bethnal-green and Spitalfields; look at the condition of the maids of all work in London and elsewhere, every one of whom worked fourteen hours a-day, every day in the week. Look at the white slaves, as they had been justly called, of the London dress-makers, and the unfortunate creatures who were driven either from thence into the service of the slop-sellers to seek their bread. The responsibility on them to interfere in these cases was just the same as to interfere in the case of factory labourers. Unfortunately there were many cases where protection was more wanted than in the case of the factory labourers, but, in order to effect this fully, assuming it to be practicable, they must have a spy in every house, as the right hon. Baronet, the head of Her Majesty's Government, had told them, the other night. They only attempted to interfere in this case because they had great masses of labourers under their grasp. The hon. Member for Liskeard had said, that they ought to put an end to female labour—that there were other occupations, for which females were better fitted by nature. No doubt female labour was a bad thing, but it was part of a bad system, and only a proof that the system was bad. The only remedy was, by adopting those Measures, which the hon. Member for Liskeard had once advocated, in common with himself —by encouraging emigration, and by cheapening food; but there could be no more fatal mistake than to think that they could improve the condition of the labourer by adding to the restrictions which their system already imposed upon him. He had ventured to call this blind, and blundering benevolence, and it would be certain to produce results which those who recommended it did not seem to have the slightest idea of. The noble Lord the Member for Dorsetshire had, the other night, for the first time, attempted to treat this as a practical, and not merely as a moral question. He had dealt for the first time with what he called "the commercial question," and how had he dealt with it? He was sorry that the noble Lord the Member for Dorsetshire was not in his place; but he saw that many of the noble Lord's supporters were present. He saw the hon. Member for the West Riding of York in his seat, and the noble Lord, the Member for Liverpool, and he would put it even to them to say, whether anything could be more short-sighted than the way in which the noble Lord had treated this as a commercial question? He had reasoned as if there were none but factory labourers in the world. He admitted that there would be a fall in the rate of profits and wages, and as to the increase in the cost of production, the noble Lord gave them his way, in which he thought this would be made up. He told them there would be an immediate decrease in the wear and tear of the machinery employed—that less coal, and oil, and tallow would be consumed, and that there would be fewer repairs. But did the noble Lord see the consequences of this? If they used ten hours coal instead of twelve, that was a decrease of one-sixth of the whole amount of coal consumed. Would this help to make up the difference which existed between the coal-owners and the coal-miners in the north? Would there be any prospect of the coal-owners

being able to pay additional wages to their men, with one-sixth less demand for what they produce? The same reduction would extend to every thing consumed in the factories, oil, tallow, gas, dye stuffs, cotton, leather, flour, wool. There would be less wanted—less imported—less sold. There would be less shipping required—fewer sailors—fewer wholesale and retail dealers—fewer machine-makers, and porters, and clerks. The proposed interference of the noble Lord was like a circle in the water, the effect of which was constantly spreading. The noble Lord had not ventured to allude to any one of these consequences which would follow his proposal. They extended to every ramification of their commerce; every business man would find himself touched by this Measure in a manner that he very little expected, and the Chancellor of the Exchequer would be left at the end of a year or two to show them the result. The noble Lord had said that the notion that the labourer was to have twelve hours wages for ten hours work had never entered into his head, and he had never heard that this was intended or expected; but he (Mr. Ward) was persuaded that this was the expectation of every factory labourer. He had perused every one of those numerous reports of factory meetings which had taken place, and at not one of them had this question been fairly put to the operatives. They had been asked if they were ready to run the risk—to chance it? but there was not one of the meetings from which it might not have been inferred, from the arguments of all the principal speakers, that there was no fear at all of their wages being reduced. The clergy had held that language; Dr. Hook, of Leeds, had drawn the picture of a perfect Arcadia as the result of this Measure among the factory labourers, and the only man who had ventured to tell the truth on this subject and to use sober language was Mr. Hornby, the Rector of Bury. The letter, which he had written on this subject was a most sensible, and practical one. Mr. Hornby said, in excuse for not attending the meeting:—

"Nobody is more friendly, or wishes better to the population engaged in the mills than I do, and I should be very sincerely glad, on many accounts, to see the hours of work brought down to ten hours, so that more time could be given to those, who would be willing to make a good use of it, for purposes of comfort, and improvement, at home. But every question had two sides, which should be equally, and fully, considered. In the present case, the question was, how far the good which, would arise from shortened hours of labour, would be balanced by the loss of a certain proportion of wages, which would be lowered in consequence? That there would be this loss, I feel no doubt; and I would have the people in the mills consider this well, and ask themselves whether they are willing to take the gain they ask for at the price they will have to pay? I am no good judge of the effect which this measure, if carried, would have upon the prosperity of the nation. Most likely truth lies between the opinion of those who think it would be ruinous, and those who hold the very opposite notion. One thing, however, is certain, that if it proved hurtful to the nation, it would be so likewise to the individual; and that the workman would not, in the long run, profit by what the master was a loser in In a question in which there is so much doubt, I should be unwilling to take a part, which might lead to the harm, rather than the real gain, of numbers of people for whom I feel so strong and honest an interest as I do for the classes who work in the mills of this place; and this feeling would, independently of any other consideration, have prevented me from taking any share in the objects of this evening's meeting."

He called that sober and considerate language, which did honour both to those persons to whom it was addressed, and to him who wrote it. In the course of the fortnight's agitation on this question, this was the only instance in which the truth had been fairly, and calmly, stated to those, who had been called on to give a decision. [Lord *Sandon*: At Huddersfield the question was fairly debated on both sides.] He thought the noble Lord would find that the general language held by the speakers at these meetings was so encouraging, and led so directly to the belief, that wages must rise after the first two, or three, months, that it was hardly possible for any working man to entertain any other idea if he framed his conclusions from what he heard. He believed that the general feeling was, as stated by the Secretary of State for the Home Department, that the working men in every trade were, at the present moment, uniformly convinced that if they worked less, they would get more; that if what was now cheap and abundant were made scarce, and dear, and the amount of goods were diminished, there would be more competition for them, and the masters would get higher prices, and be able to afford the same wages, while the goods being reduced in bulk, and quantity, the men would have less to do. They left cheapness entirely out of the question, as an element of consumption, and reversed the rule on

which they had proceeded for the last 100 years. He believed that the workmen would be the first to suffer from the application of this rule to themselves. They would suffer in the falling off of wages, and suffer from the increased price of things, which they had to buy, and a shock would be given to our foreign trade, to an extent which it was impossible for any one to estimate. He should feel himself culpable in the highest degree if he were to give the slightest encouragement to the proposal of the noble Lord, which he believed to be one of the most dangerous fallacies ever propagated. The hon. Member for Liskeard said, it was easy for them to retrace their steps, if they did wrong; but he believed this to be impossible. It was not always easy to keep a market; but there hardly ever was an instance yet in the commercial world of a market having been recovered when once lost. The noble Lord had said of his own proposition that he was "lighting a candle by it in this country, which could not easily be put out." Fortunately, there was a power in that House that would put an extinguisher on the flame. As to the hope expressed by the hon. Member for Pontefract, that let what would be the decision of the House that night, a time was coming when this question must be carried—he utterly disbelieved it. He thought the House of Commons had been surprised into a most incautious vote, and he did not think it would be so surprised again on this question. He thought the hon. Member for Durham would not have cause again to accuse the Government of not letting their usual supporters know what course they wished them to take. This was the only mistake made by the Government in this affair. Nothing would have been easier for the right hon. Baronet opposite than to to have acquired great popularity by conceding this question, after the vote of the other night, throwing the responsibility of its consequences upon Parliament, and he thought that the Government were acting generously, not tyrannically, as the noble Lord, the Member for Sunderland, had stated, in the course which they took. The Government might have said, as Members on both sides of the House supported this question, they would not stand in the way of the wish of the House, and then, three years hence, they might have come forward, and shown the results of the Measure, and have given the House an useful lesson to pay attention to wiser heads in future. He thought the Government had taken a much more wise, and manly, course, and had, in consequence of that course risen much in the estimation of the country, and had inspired him with a confidence in them which he believed he should never otherwise have felt. He thought that Ministers had taken a perfectly honourable and consistent course. The noble Lord, the Member for Sunderland, told them that there were cases, in which the Government ought to bow to the opinion of the House; he told the noble Lord that he did not think that this was such a case. He entirely approved of the course which the Government had taken, in saying that they would not assist in carrying out a measure, of which they honestly disapproved. He hoped there was very little doubt as to the result of the division that night. He heard that there were some qualms of conscience—that some Gentlemen felt a natural awkwardness in retracting their votes, and that many who had reflected, and become sober, like the hon. Member for Nottingham, still hesitated to retract. He hoped that hon. Members would vote honestly without reference to past votes. Their arguments had been so much in favour of the opinions he held, that he then should not have the slightest apprehension of the issue. He did not presume to suggest a course to any hon. Member. He wished every one to vote for that, which he considered right, but he did entreat the House to recollect that there never was a question of more importance than this—a question of more vital importance to the working classes, who, he admitted, had but little confidence in the present principles of legislation—who did not see that by improving our fiscal system, we should improve their condition at the same time—who were not aware that by adopting such a course, England might be made the cheapest country in the world to live in, a country where labour might be the best remunerated, and which might be able to run the race with any country in the world, without the slightest fear of competition. He granted that at present he saw very little hope of this. There had been some few symptoms of concession, on that head, in the course of the debate, but little had yet been done to shake the convictions of the majority, or to make them acquiesce in the principles of free-trade, which, he believed, were the only salvation of the working classes. They had held out to the working classes no hope that in the application of

their principles of humanity, they would disregard their own private interests. If they had given to the people a reason—the shadow of a reason—to believe that they would look not only to questions affecting their labour, but to questions affecting their food, and to the hardships to which the working man was exposed by those laws which forbade him to exchange his labour freely in the market of the world—if such a hope had been held out he believed that not a working man would be found to care for the ten hours' Bill. For these reasons he should oppose the Motion of the noble Lord. He hoped the result would be that the Motion would be successfully opposed, and defeated; but, whether this were so, or not, he must say that he had never given a vote with a firmer conviction that it was right.

Mr. *M'Geachy* said that, though it might seem a thankless and ungrateful course for him, who thanked Her Majesty' Government for this Bill, which was a great improvement, to take up a position against that Government upon a question of humanity, yet upon this occasion he must support the proposition of the noble Lord. During the Easter recess he had taken the opportunity of accompanying Mr. Horner in a tour through the manufacturing districts, and he had been present when Mr. Horner had put to the operatives the question whether they would prefer ten hours labour with a corresponding reduction in the amount of wages, and he had received the following answers:—One woman, a weaver, whose wages were 11s. 6d. a-week, and who had two children, said she would rather take less wages with ten hours; money got in wage went to the doctor; she thought she should gain a great deal in health and comfort at home, as well as save money, with only ten hours labour. A man, a dresser, with 24s. a-week wages, said no reasonable man could suppose that there would be no loss of wages for less work; he had six children, three of whom did no work; he had talked the matter over with his wife, and they thought they should miss the money at first, but they were quite sure they should gain in other ways. Two brothers, under-carders, with wages of 15s and 17s., said they should greatly prefer ten hours. They did work short time for eighteen months previous to Easter, 1843, and enjoyed better health than at any other time—the last one hour and-a-half of the day was worse than all the rest of the day. Under the short time wages were reduced in proportion, and they found their health better, they could eat coarser food, and did well on it. A manager in that mill, in order to show the effect on wages of legislation, said, "That in 1827 carders' wages were 8s., now they were 9s., and if they were reduced to 8s again, the people would be better off, considering the cheapness of provisions and clothing." A woman who had an aged mother to support out of her earnings, and very little time to attend to her or to do her own washing, said that she should have more time to improve herself and to go to church, which they were all too tired to do now. There were many churches open there for the working people of an evening which they should like to attend. Another man, a weaver, stated that he had suffered a great deal in infirmaries; when he had been in the hospital his house always went to rack and ruin — doctors could only "patch up" factory people—they were ill again in a week or two; he added, that they all wished to try shorter hours, and that none but those who were very ignorant thought they were to have the same wages. As regarded saving, a man who worked twelve hours wanted more food and more stimulating drinks; three meals with ten hours would do more good than six meals with long hours. Those were the answers of the operatives themselves, and he must say he could not but admire the philosophy of those people, which in many points of view exceeded what was often met with in that House. A great number of persons whom he had seen expressed a doubt whether they could stand the diminution of wages consequent upon the reduction of hours, and upon that ground they said they would rather remain as they were, though all allowed that they found the work too severe, and would gladly have the hours shortened. He must confess that he had come back from the factory districts thoroughly impressed with the high intellectual condition of those people. It was curious to observe the desire for knowledge which they exhibited. In other parts it was difficult to keep children at the Sunday schools after they attained the age of twelve or fourteen but in the manufacturing districts there were persons of twenty, twenty-five and frequently thirty years of age remaining in the schools, and even at that period of life showing a great indisposition to become teachers, so highly did they value the instruction which they were themselves receiving. His impression was, that on the

part of the majority of the operatives there was a strong feeling that a great necessity existed for some such measure as that proposed by the noble Lord; and he must add that in no case had he met one operative who expected that wages would not fall concurrently with a reduction in the hours of labour. He confessed he was not disposed to give any weight to the argument that if they commenced interference they must go on interfering. It appeared to him that upon that point the noble Lord the Member for London had very fairly stated, that as interference had been found beneficial in this matter, it might be well to extend that interference, and that the point where interference should stop should be that where interference would be likely to produce more evil than good. He could not help thinking that it would be much more satisfactory to the people of this country if the Government could be carried on upon some more certain set of fixed principles than those upon which they appeared at present to act. For a country which gave 20,000,000*l.* to relieve the slaves in the West Indies, which went further than that, and in the act for the emancipation of the slaves limited the hours of labour—not to ten hours a day—but to forty-five in a week, and which gave the power by a subsequent Clause, in the case of misconduct, to increase the labour by not more than fifteen hours, making in all sixty hours of labour a week — for a country which did that to stop short when its own population was concerned, and to stand out so very strongly when the question was one of mere pecuniary gain, was he thought, most anomalous. He trusted sincerely, that in spite of the many difficulties with which this question was beset,—despite of the strong feeling which has been exhibited by the advocates of either side, the measure of the noble Lord might be carried into effect, not to satisfy party or political purposes merely, but in order to instil into the people of this country a confidence in that House and in the Government, and to carry out those great measures for the improvement of the moral, the physical, and the intellectual condition of the people which were shown by every inquiry that had been made upon the subject to be most imperatively necessary.

Mr. *Manners Sutton* should not have intruded upon the House upon this occasion but for some observations of the hon. Member who had just sat down. He was perfectly aware that the hon. Member had, with a praiseworthy desire to ascertain the feelings of the working classes themselves upon this question, taken advantage of the Easter recess to make a personal visit to the manufacturing districts. The results of his observation there the hon. Member had communicated to the House. It was perfectly true that the hon. Gentleman had lately accompanied Mr. Horner in a tour through that Gentleman's district, and that he was with Mr. Horner upon several occasions when the questions to which he had referred were put to the operatives. The hon. Gentleman had stated to the House the nature of the replies which were given to the questions, which had been so put to the operatives by Mr. Horner in his presence and he was willing to give the hon. Member credit for having afforded the fullest and fairest explanation to the House of all the information which he had acquired upon this subject; but he was able to inform the House that with regard to the answers to the questions put by Mr. Horner to the factory operatives, viz., whether they were prepared to accept the proposed reduction in the number of the hours of labour with an equivalent reduction in the amount of their wages, a very great majority of them gave a distinct denial of their willingness to accept any such proposal. The number of operatives to whom this question was put by Mr. Horner was 130. Of the 130, no less than 70 gave it as their opinion that their wages would not bear any reduction, and that consequently they would prefer the present hours of labour to any alteration of those hours which would be accompanied by a reduction in their wages. The hon. Gentleman had very fairly stated, that of the remaining 60 to whom the question was put, and who said that they were prepared to accept a further limitation of the hours of labour, with some diminution of wages, there were many (about 20 he was informed) who stated that the present amount of their wages would not allow them to accept of the limitation of the hours of labour proposed by the noble Lord. Out of the whole 130 operatives, therefore, whose opinions had been taken by Mr. Horner on this subject, there was what he might almost call the insignificant minority of 40 in favour of the Measure of the noble Lord, and the opinions of this minority, therefore, could not fairly be cited as the opinions of the great body of those engaged in factory labour. But it must be remembered, that though the question

put to the operatives was, "Are you in favour of a limitation of the hours of labour, which, if carried into effect, will be followed by an equivalent reduction in the amount of your wages?"—and though the answer of some of the operatives might have been that they were prepared to accept such a limitation of hours of labour, and to endure such a reduction of their wages, yet, who would tell him that they might not themselves entertain the opinion which had found advocates in that House—that such a reduction in the amount of wages would not follow a reduction in the hours of labour? He had heard it stated both in that House and out of that House—and he need not go further than the hon. Gentleman who had just sat down, or than the hon. Member for Pontefract, who both concurred in the opinion that a limitation of the hours of labour would increase the demand for labour, and who appeared to think that this increased demand for labour would prevent such a reduction of the wages of the operative. He was not of this opinion; but who would tell him that those labourers whose answers had been referred to as favourable to the Measure of the noble Lord, did not look upon the evil of a reduction of wages as a prospective evil, which could not, at least, be expected immediately to fall on them. They might look on this reduction as a remote and doubtful contingency — which they would never be called upon to suffer—and in that belief might have given their answers. Their answers might have been influenced by such opinions. It was quite unnecessary for him to say one word with regard to a reduction of wages being the immediate and necessary consequence of a reduction of the hours of labour. That part of the question had been so fully discussed, and the arguments produced to show that a reduction of wages must be the immediate consequence of the adoption of the Measure proposed by the noble Lord had been altogether so conclusive, that it was not necessary for him to trouble the House further upon this branch of the subject. There was not, indeed, one of the arguments made use of against the noble Lord which had not been admitted by the supporters of the noble Lord as true. The principal arguments against the Clause brought forward by the noble Lord were—first, that a reduction of the hours of labour would reduce the productive power of this country; and, secondly, that it would reduce the wages of the operatives. The noble Lord the Member for Sunderland, who strongly supported the Measure of the noble Lord the Member for Dorsetshire, had not only admitted this, but had also declared, that with a reduction of productive power and of wages, there would be a reduction in the amount of the returns for goods sent abroad to the foreign markets. It was true that the noble Lord, when he admitted this, said that the change in this respect would be but slight and unimportant. But what did the noble Lord the Member for Dorsetshire himself state as his calculation of the probable reduction of the productive power of the country which would result from the adoption of his Measure? Why that noble Lord admitted, that the effect of this Measure would be to reduce by one-eighth the whole productive power of the mills and factories to which, if passed, it would apply. There were several inaccuracies in the noble Lord's data: at all events his calculations were based on the reduction from 69 to 60 hours per week, whereas his own proposal was to reduce the hours of labour to 58 in the week, a weekly reduction of two hours more than that which the noble Lord himself admitted would diminish the productive power by one-eighth. Now the noble Lord the Member for Sunderland had told them that the consequence of this must be an equivalent reduction of our exports, and let the House consider what was the amount of those exports that were thus to be affected as a part of our national resources. The value of goods of this nature exported in 1843 was 35,246,047*l.*, the entire exports of the country being 51,932,000*l.* Now a reduction of one-eighth, which was the noble Lord's (Lord Ashley) calculation upon this amount, would give a loss of 4,500,000*l.* or one-twelfth of the whole exports of the country. He thought the House was bound most strenuously to resist a Measure of which its supporters admitted that such would be the result. The noble Lord, the Member for Sunderland had also stated that a reduction in the amount of our imports from abroad, and an increase in the price of foreign commodities would be another consequence of any further limitation of the hours of labour in factories, but upon that subject he would not at present enter; he would content himself with the remark that this rise in the price of articles of foreign produce would take place simultaneously with a reduction of the wages of the operatives, and that it was not, there-

fore, a matter of trivial importance, or one to be lightly considered by the House. Then, as to the reduction in wages, the noble Lord the Member for Sunderland said, he did not believe there would be a reduction to any great amount; but the noble Lord the Member for Dorsetshire distinctly admitted that the reduction would amount to one-eighth of the whole amount of wages paid. Taking the number of persons employed in cotton mills, to be 240,000, and calculating the rate of wages paid to the operatives in these mills at 10*s.* a week per head, the annual amount of the wages so paid, would be found to be at least 6,000,000*l.*, and the effect, therefore, of a Ten Hours Bill would, according to the noble Lord (Lord Ashley) himself, be, to subtract from these operatives annually, the sum of 857,140*l.* This reduction of wages would have a most detrimental effect upon their comfort; but its effect would not be confined to them, it would extend at once to the shopkeepers, as in the case of Paisley, to the carrying trade, and to the coal trade, and be felt through all the ramifications of commercial and manufacturing industry. The House might rely upon it that this demand for short hours would not be limited to factories. In fact the demand for a restriction of the hours of labour was not at the present moment, confined to the factory operatives: it was insisted on also by the colliers, who had taken it into their heads (to use the words of the hon. Member for Oldham) that they worked too long, and got too little. The hon. Member for Knaresborough had called the attention of the House the other evening to the miserable and destitute condition of the factory operatives, which was such, he said, as to draw tears from the eyes of Her Majesty's Attorney General; and from this observation of the hon. Gentleman, it was clear to him at the moment, as it must have been apparent to the House, that the miserable and destitute condition to which he so pathetically alluded, and upon which he relied as an argument in favour of the proposal of the noble Lord, was that of the factory operative in 1842, not in 1844. He would take the liberty to remind the hon. Gentleman, and the House, that the misery and destitution of 1842 was caused, not by long hours of labour, but by working short time—by diminished work and by the necessary consequence of diminished work, an equivalent reduction of wages. Now, the object of the supporters of the Ten Hours' Bill, was still further to restrict the hours of labour; it was admitted, that the effect of this Bill would be still further to reduce wages; and it was by calling the attention of the House to the unhappy condition of the factory operatives in 1842, when the hours of labour were short, and when wages were proportionably low, that the hon. Gentleman sought to induce the House to adopt this Measure, of which such was the object, and of which it was admitted that such would be the effect. But, if he did not mistake, in 1842, the hon. Member for Knaresborough proposed, as a remedy for the distress which then prevailed among the factory operatives, that the grant of a million of public money should be made by the House for their relief; a sum not widely differing from that of which he now proposed annually to deprive them. If the noble Lord's Clause were adopted, who would assure him—who would assure the House—that the hon. Member for Knaresborough would not come down to the House next year and propose to make up that sum by another vote to the same amount? Could the opponents of this Clause, then, be fairly branded with inhumanity for warning the House against the consequences which would ensue from its adoption? He was sure that even the factory operatives themselves, when they had overcome this delusion in which he feared that they were at present involved, and he confidently looked forward to the time when that delusion would pass away—would be of opinion that a Measure which would have the effect of reducing the productive power of the country, and the productive power of the country constituted the wealth of the country, diminishing, if not ruining, the export trade, crippling commerce in all its branches, and reducing their own wages, could not be either beneficial to them or to any other part of the community.

Mr. *Hawes*, while he concurred with the noble Lord and his supporters on this occasion, by no means concurred in the opinion which many of them had expressed as to the manufacturers, for he considered that no body of employers exhibited more solicitude for the welfare of those they employed than the manufacturers, as a body, did. The arguments of the hon. Gentleman who had just sat down had the common vice of all that had been urged on that side of the question. The speech of the hon. Gentleman, if good for anything, was good against all inter-

ference, and yet he, among many others, advocated a Bill which for the first time interfered with a large portion of adult labour in this country. He was by no means disposed to admit the accuracy of the estimates which the Government had formed as to the amount of injury which would be inflicted, according to their account, on the trade of the country, were the principle, originated by the Government itself, carried out to the extent which the noble Lord very legitimately contended for. It was said, that profits had already been brought to the minimum, and they ought to be extremely jealous of any Measure which would have the effect of still further depressing the commercial interest. He admitted the fact, but he believed the evil arose from the restrictive policy of the Gentlemen opposite. Government placed restrictions upon everything—upon food, upon industry, upon the application of capital; the only thing they would not limit was the amount of labour; and he, for one, was not disposed to sanction their seeking to make up the profits which they limited by their restrictions upon every thing else, by drawing more severely than was just, or right, or politic, upon the labour of the operative classes. The distress under which the country had suffered arose from the grossly vicious commercial policy which had hitherto been pursued; and he did not think it was in their power to prevent those fluctuations which brought about such melancholy scenes of wide-spread distress, without an extensive alteration in the general commercial policy of the country. The question with him now was, whether a Ten Hours' Bill would be a safe and practicable Measure, what were the evils, if any, that would necessarily flow from it, and what the counterbalancing advantages that might be expected from its adoption? Let not the House forget what had been done on this subject for the last ten years. They had already some experience in factory legislation to which they might appeal. All the arguments now used against interference were as strenuously urged in 1833. The Factory Act restricting labour to some extent had been now in force for more than ten years: had it not been attended with great advantage? He was not going too far when he said that the trade had enormously increased, the number of the employed had increased, and generally wages had also increased. But were they disposed to push the interference still further? What was the amount of interference sought for in addition to what the Government offered? Now, the total number of persons employed in the silk, woollen, and cotton manufactories, was 419,250; of these 242,296 were females, and with this far larger portion of adult labour the Government itself proposed to interfere, so that the whole extent to which he (Mr. Hawes) and those who supported the noble Member for Dorsetshire sought to carry out still further this interference was 177,000; and he could not understand in what way the ruin of the country could ensue from this extension of the Government's own principle to its legitimate result. The Government proposed to act upon a very proper principle, as regarded 242,296 persons out of 419,590; the noble Lord asked that the principle should be caried out as regarded the much smaller number remaining. The hon. Gentleman talked about a loss of four millions as to result from the proposed Amendment; he (Mr. Hawes) considered the hon. Gentleman was herein proceeding upon assumptions of a very vague character. There never was, in fact, a more monstrous proposition. The hon. Gentleman did not base his calculations on official information, but assumed the data of the noble Lord, the Member for Dorsetshire, to be correct. That was not the way in which a Member of the Government ought to argue this question. He had the means of accurately ascertaining all the facts, and it was his duty to come prepared to state them distinctly, and on the credit of official documents, fairly to the House. The evils of the present system were admitted, and the Government, having brought in this Bill, affecting adult labour for the first time, and forced the House to consider it, ought to carry out their own principle. He confessed he did not advocate the Ten Hours' Bill as an isolated Measure; but as one of a series, conducive to the increased well-being, moral and physical, of the working classes, and the prosperity of the country, which the House must of necessity, if this were adopted, take into discussion in more or less rapid succession, and must, moreover, pass. He looked upon the Measure, not merely in itself as a plan for the limitation of labour, but as a decided step onwards to an inevitable course of im-

provement in our legislation as to trade and commerce—to a removal of the restrictions, not merely on the hours' of labour, but on the operations of labour, the capital, and the energy of the country. If the noble Lord, the Member for Dorsetshire, succeeded in carrying this Measure, not a day would elapse before they would feel the pressure of the manufacturing interest demanding the abolition of all restrictions on commerce. The evils which were now anticipated from the limitation of the hours of labour, would be more than compensated by the profits derived from allowing capital and industry to go free and unfettered to the markets of the world. What limited the profits of labour but their own restrictions? Did the hon. Gentleman remember the four bad harvests which the First Lord of the Treasury pointed out as one of the great causes of distress? What were the means of counteracting those four bad harvests? Unrestricted trade in corn. It might not be in the power of the House, or of the Government, to prevent the ills arising from the fluctuations of trade; but they would have done all they could by legislation for the advantage of the country when they had set trade free. Taking this Measure by itself, he might not be disposed to support it; but he regarded it as part and parcel of a system of legislation which he yet expected to see adopted. He made a frank and fair confession that he viewed this Measure as only one among others which, if carried, would be beneficial. That statement was not one likely to win votes from hon. Gentlemen opposite. The Government said they were in great distress. The fact was, that they wanted to keep a large majority; and, if any body thought they would be in a minority, they were greatly deceived. It was part of the Parliamentary tactics, which distinguished the Government, to raise a cry of distress in order to keep up their numerical majority. He did not believe the right hon. Gentleman (Sir J. Graham) who, he saw, was watching what he said, ever thought that he would be in a minority on this question, if it were once debated seriously in that House. He was not going to quarrel with the Government, if they thought the Measure was an evil as they described it to be, for resisting it, nor did he object to their taking the sense of the House upon it in the most solemn manner; but to suppose for a moment that they would be in a minority would be to do great injustice to their sagacity. Now, he knew that it was thought strange to couple political economy with this subject. He should covet no better reputation than to be thought a sound and sincere political economist. But there was a great difference between being guided in opinion by certain principles and the working of them out in legislation. Political economy could have nothing to do with the improvement of the condition of the people; it related to the increase of the wealth of the nation: but legislation had. It was no disgrace to political economy that it did not take into consideration the social condition of the people. He would, however, beg to support his vote on this occasion with a quotation from a writer who, he believed, would be admitted on all sides to be an authority in political science of very great eminence. Mr. Mill said:—

"Two things are absolutely certain; that without the bodily labour of the great bulk of mankind, the well-being of the species cannot be obtained; and that if the bodily labour of the great bulk of mankind is carried beyond a certain extent, neither intellect, virtue, nor happiness can flourish upon the earth. What, then, is that precious middle point, at which the greatest quantity of good is obtained with the smallest quantity of evil, is in this part of the subject the problem to be solved. The state of defective food and excessive labour is the state in which we find the great bulk of mankind; the state in which they are either constantly existing, or into which they are every moment threatening to fall. These are two, therefore, in settling the rank among the circumstances which concur in determining the degree of intellect and morality capable of being exhibited in the societies of men, which ought to stand in a very eminent place. The mode of increasing to the utmost the quantity of intellect, morality, and happiness in human society, will be very imperfectly understood till they obtain a new degree of consideration."

No doubt there were considerable difficulties in the way of carrying out the object desired by the noble Lord, but certainly many of the evils predicted by the Government and their supporters, and by writers out of the House, among others by Mr. Senior, who in a letter to the right hon. C. P. Thomson, dated April 4, 1837, in reference to the proposal:—

"That the sub-inspectors or superintendents should have free access, without asking permission, to every part of a factory, (said), I firmly believe that if this enactment is carried

the following will be the consequences:—1st. That a considerable number of the educated and intelligent mill-owners, that is, of those who have the sensibilities of gentlemen, will cease to follow their occupation within the British islands."

But that interference had been established; and yet none of the hon. Gentlemen in that House who were connected with manufactures had said a word against it. It had been proved and had been shown by their own factory inspectors, and by other high authorities, as Mr. Gregg and others, that no such consequence had arisen from the interference with factory labour, which had now been in operation since 1835. There were many restrictions on trade which were extremely unpleasant and injurious, There were the excise laws for example; but they were not to be discontinued. nor did they drive people out of trade. The right hon. Baronet, the Secretary for the Home Department, laid great stress upon the reduction of wages, which he said would necessarily ensue; he (Mr. Hawes) would at once admit that some reduction of wages must be the consequence; but what he contended was, that the throwing open the field to industry and capital, which must inevitably also ensue, would far more than compensate for any reduction of wages that would be likely to take place. Let the restrictions on trade and commerce, which now so fearfully impeded the exertions of our manufacturers and our merchants—let the price of food and of the articles of necessity used by our working population—be reduced by the operation of improved legislation, and the working classes would make great gain by the limitation of their hours of labour, even though accompanied with a reduction of wages. Some short time ago, the Mayor of Manchester drew up some valuable statistical information on the state of the working population around him—their numbers, their wages, their expenditure. From these statements he (Mr. Hawes) had drawn up a calculation as to the compensation which the labourer would derive, even under reduced wages, from a free trade in provisions, which, while it reduced the price of articles of food, and of other commodities which they used, would produce a benefit to the revenue; and he regarded the Factory Bill as the lever which would bring about that great object. From these statements, which Mr. Neeld compiled in 1841, he had formed the following calculations:—He took a spinner's family of five persons, their weekly income being 14*s.* 4*d.*

	s.	*d.*		*s.*	*d.*
These expended in bread	4	6	On which articles the price was raised on the average 10 per cent. by the Tariff say	0	10
" " meat	1	9			
" " bacon	0	8			
" " butter	1	6			
Then in sugar . .	1	4	On which the price was raised to 25 per cent. say . . .	0	4¾
" treacle . .	0	3			
Thus, upon an expenditure of 10*s.*, a removal of the taxes upon food would create a saving of . . .				1	2¾
Add for saving in nursing, cooking, and mending, for each family would take the last meal of the day at home, and the females of each family would have 1½ hour per day, or 12 hours per week, more at home				2	0
Total estimated saving on an income of 14*s.* 4*d.*, or a saving of 22 per cent.				3	2¾

Again, take a labourer's family of six persons, their weekly income being 18*s.* 8*d.*

	s.	*d.*		*s.*	*d.*
These expended in bread	6	0			
" " meat	3	2			
" " butter	2	0	*s. d.*		
" " cheese	1	0	—12 2 less 10 per cent.	1	2¾
" " sugar	1	0			
" " treacle	0	3	— 1 3 less 25 per cent.	3	3¾
So that upon an expenditure of 13 5 there would be a saving of				1	6½
Add for saving in nursing, cooking, mending, &c. .				2	0
Total estimated saving on an income of 18*s.* 8*d.* or a saving of 19 per cent. .				3	6½

Again, take a watchman's family of seven persons, with a weekly income of 1*l.* 1*s.*

	s.	*d.*		*s.*	*d.*
Expended on bread . .	7	6			
" bacon . .	1	4	*s. d.*		
" butter . .	1	0	— 9 0 less 10 per cent.	9	10¾
" sugar . .	1	8	— 1 8 less 25 per cent.	0	5
Showing upon an expenditure of 10 8 a saving of .				1	3¾
Add for saving in nursing, cooking, mending, &c. .				2	6
Total estimated saving on an income of 21*s.* . . or a saving of 18 per cent.				3	9¾

The lower the income the greater the saving, for the greater the proportion spent necessarily in the articles mentioned. It was thus shown that the Legislature had it in its own hands richly to compensate the labouring classes for any reduction in their wages, which they might occasion by such a measure as that before the House. But this would not be the only consequence of lessening the hours of labour. Mr. Gregg, in one of his able pamphlets, said, that the only remedy for the evils of the factory system, was education; but how absurd to talk of education, when you made men work fourteen hours a day! Give the labouring population the means of improving their intellectual and

moral condition, and you increase their efficiency and their value as labourers. Dr. Laing, who was known by his travels in Norway, said, "If you uphold long and incessant labour, you must give up education." They could not go together: it was utterly impossible. The right hon. Baronet insisted much on foreign competition. The right hon. Baronet himself had spoken of the hours of labour in Switzerland and other countries: we had for years past reduced the hours of labour in this country, yet, our foreign trade had gone on increasing; and it would go on increasing, if Parliament would let it. The effect, in every instance, of the removal of restrictions which had been effected by Mr. Huskisson and Mr. Poulett Thomson, had been to increase the foreign trade in the particular articles, and the present Government had admitted the principle, by relieving commerce as far as their supporters would allow them to do so. The hon. Gentleman talked about a loss of four millions; what was that loss, suppose it to be correctly estimated in comparison with the loss this country annually sustained, by the restrictions on trade in sugar and corn alone? And by the way, the noble Lord's plan, which was spoken of so generally as a Ten Hours' Bill, was actually only an Eleven Hours' Bill, so that the hon. Gentleman must deduct from his calculations of loss one clear half. He looked upon the present as an invaluable opportunity presented to Parliament of opening up a system of enlightened legislation, which should, while it greatly benefited the empire, conciliate the working classes and attach them to the institutions of the country. At present, no one, who duly considered the accumulation of property in one direction, and the misery, distress, and ignorance in the other, could fail to regard the state of the manufacturing districts with anxiety, and alarm; and no one should regard it without feeling a desire to yield to the reasonable demands of the labouring classes. When the right hon. Baronet proposed to interfere to a certain extent with labour, was it too much that they should ask him to go further, and deal with the whole question? The right hon. Baronet might credit him that if he dealt with it properly, and adopted a general system for honestly and sincerely improving the social and moral condition of the working classes, any evils that might possibly arise from it would be nothing compared with the benefits which it would confer.

Viscount *Pollington* remembered the benevolent exertions of Mr. Sadler in reference to this subject, and had taken every occasion of giving his support to measures similar to that now proposed by the noble Lord. He saw no reason to change either his opinion or his vote, because those who had at that time sat on the Ministerial side of the House, now sat on the Opposition benches. But he would confess that when he saw a Government in which he placed great confidence, and which, whether in public or in private, he was always happy to be able to support a Government who had never shown any undue desire to force their own plans against a majority in the House, or a large party in the country (he might instance the Ecclesiastical Courts Bill of last year, and the Educational Clauses in the Factory Bill)—when he saw this Government persevering against the proposed Measure in the face of two divisions, he confessed he had felt perplexed, and had determined not to vote again without maturely and deliberately considering the subject. He, therefore, resolved to make the best use he could of the Easter Recess, and in the language used by the right hon. Baronet on a very different occasion, he analyzed the majority. He found in that majority the name of the noble Lord, the Member for South Lancashire, of the two Members for the West Riding of Yorkshire, of the hon. Members for Leeds, Oldham, and other large manufacturing towns. With respect to the great sites of commercial activity, he found that though the City of London was divided, Hull, York, and Liverpool gave, through their representatives, a unanimous vote in favour of the noble Lord. He had, during the Easter Recess, made a good deal of inquiry amongst the woollen manufacturers in his neighbourhood. He found opinions divided upon a Ten Hours' Bill; but their general impression was, that the proposal of Eleven Hours could do no injury whatever, and the medical men he had consulted, all said that Ten Hours' labour in Factories was as much as the sinews of females and young people could bear. As to the effect of the Measure on the profits and wages, he could not but say that he thought the argument of the right hon. Baronet with respect to giving the people a double

Sabbath, was by no means as forcible as were that right hon. Gentleman's appeals in general. Much the same argument was used at the time of the French Revolution, and the result showed that the working people always received less wages for seven days' labour than they had before received for six days. Would the right hon. Baronet contend that an inverse result would be experienced in England? But the right hon. Baronet had gone on to introduce the Corn Law Question, and insinuated that the effect of the passing of the Ten Hours' Bill would be tantamount to the Repeal of the Corn Laws—that if the Ten Hours' Bill became law, the Corn Laws must necessarily be repealed. Now he would say to that, that if the Corn Laws rested on so rotten a foundation, he would be the first man in the House to support their instant repeal. He had never supported the Corn Laws except for the purpose of protecting native agriculture, and he could not forget that the first and strongest claim to the sympathy and protection of Parliament was that of the weak and helpless, on behalf of whom the noble Lord had made so many and such persevering efforts. The hon. and learned Member for Bath had indulged in rather strong remarks on the motives of those by whom the limitation of the hours of labour were supported. He (Lord Pollington) would beg to call that hon. and learned Gentleman's recollection to a saying of Dr. Johnson, that whenever you found a man maintaining the universal knavery of mankind, he would turn out, if tested, to be a knave himself. He was very far certainly from saying that the hon. and learned Member for Bath was a knave, but he did hope that the hon. and learned Member, bearing this saying in his memory, would allow that those who supported the Measure might give an honest vote. Some of the reasons given for not supporting the limitation of hours reminded him of a speech made in Parliament on one of Mr. Wilberforce's motions respecting the Slave Trade. The speech in question was extracted in a late number of the *Edinburgh Review*. When the question was discussing, Mr. Grosvener got up, and said, that the Slave Trade was certainly not the most amiable trade in the world, but that, as it was so intimately bound up with the interests of the country, they should not too curiously inquire into all its circumstances. So in the speech of his hon. Friend, the Member for the County of Durham (Mr. Liddel) the other night, and in some other speeches that had been delivered, much the same kind of argument had been attempted to be delivered. He had hoped to have seen his hon. Friend a supporter of the noble Lord's proposal, but for his own part, he could say, that the noble Lord would find in that House no more sincere supporter than himself.

Mr. *Labouchere* would occupy the time of the House for a very short period whilst he again stated the reasons which induced him to give the vote which he was about to give on the question before the House, for he felt it necessary, considering the very great importance of their decision to put forward those reasons briefly and concisely. He had listened with great attention to all the debates which had taken place on this subject, and he paid particular attention to the speech of his hon. Friend the Member for Lambeth, for he was sure that the best arguments that could be adduced would be brought forward by that hon. Member in support of the view which he took of the subject, in a frank and candid manner, and he was also sure that if those arguments failed to convince him, it would be vain to expect that he could be convinced by any more prolonged discussion. He was, however rather surprised at that speech, for his hon. Friend said that the measure if taken singly, would be fraught with danger, in case the House did not follow it up with other great and extensive changes. His hon. Friend appeared to think that the Measure would not do, and ought not to be supported, unless on the understanding that it was to be followed up by other Measures. Now he (Mr. Labouchere) would not follow him in that course of policy—he could not agree to support the Measure on the ground that it would bring about a repeal of the Corn Laws. He yielded to no man in his desire to see proper advantages and facilities afforded to commerce; he yielded to no man in a desire to see the Corn Laws put on a sound footing, or to witness those other ameliorations in our fiscal and commercial system which, by enlarging the sphere of employment for our manufacturing population, would afford the only true and legitimate means of improving their prospects and advancing their condition. He was opposed, however to purchasing an advantage too dearly, and he shuddered at the prospect of agreeing to a proposition of so

much importance with the frightful prospect of persons out of employment, and suffering all the distress that might result from this interference if unsuccessful. No one was more desirous than he to improve the condition of the labouring classes in this country, but even if they could accompany their alterations with the other Measures to which the hon. Member for Lambeth alluded, he doubted whether it would be safe to interfere with the labour market in this country. Hon. Members who advocated this interference, said that the objection against interference would be all very well if the Legislature had never interfered on any former occasion; but they said that the Legislature had interfered before, and they now only wished to extend the experiment of interference a little farther. He, however, denied that it was a question between non-interference and an interference which he (Mr. Labouchere) thought extreme. He believed that interference with the market of labour had done harm in some respects, but he thought, that under proper regulations and within proper limits, it had done more good than harm; but because, with a cautious application, it had done more good than evil, it would be a strange argument that interference should, therefore, be pushed to an extreme. It was said, that labour had been already interfered with by the Legislature, but would that justify such an extreme interference as limiting the labour in factories to ten hours in this country, whilst in all the countries which were our competitors in manufactures the hours were at least twelve hours a day! If that were not a violent and alarming interference with the market of labour he did not know what violence meant. The question before them was, whether they were to agree to that extreme interference or not; and in looking at it, they should take into consideration the important consequences which their decision must necessarily produce on the condition of the manufacturing population. It had been said that the proposal to interfere in this manner with labour was only an experiment in extending the principle which had been already acted upon, but it was an experiment which he should not wish to have the responsibility of voting for. He had heard hon. Members say, that they only asked to reduce the hours to eleven, and afterwards gradually follow it up by a Ten hours Bill, and that nothing would be more easy than to retrace their steps, if the experiment failed, and return to the present system. Did those hon. Members recollect what failure in such a case meant? Did they know by what signs such a failure would be discovered, the symptoms by which it could be indicated? A failure in such a case meant the loss of our foreign trade, a loss which could not be easily recovered. A failure meant a loss of trade, want of employment for the manufacturing population, suffering, and demoralization. Let them reflect that if the industry of the manufacturing population was checked, and their moral tone injured, they could not so easily be restored to their present position. He entreated the House, therefore, not to give way to this proposition on the ground which he had alluded to—not to agree to it as an experiment. If they were satisfied that it ought to be done, let them agree to it; but if they had any doubts as to the successful operation of the Measure, he called on them to pause and deliberate before they agreed to a proposition from which there was no retreat. A great deal had been said to show how small a decrease in the amount of wages would be caused by the reduction of the hours of labour. Now he should confess that he had a great distrust in minute calculations and nice deductions with respect to such a subject as this. He could not undertake to say how much the reduction in amount of wages would be under a Ten-hours Bill; but he could see plainly in what direction the Measure would be likely to act, and what effect might be produced by it on the condition of the working population in the manufacturing districts. He thought that it was capable of demonstration that a reduction of the hours of labour from twelve to ten would progressively and speedily reduce the amount of wages; and, inasmuch as that fact could be demonstrated, he would ask the House ought they not to pause before they agreed to such a proposition? It was said, that the question had been fairly stated to the operatives throughout the country, and that they were prepared to accept the measure reducing the hours and await its effect on wages; but he did not think that the subject had been ever fairly and fully put before the operatives, and their minds directed to the effect which it was calculated to have in reducing wages; and, consequently, he could not believe that they had fairly and fully agreed to abide by the results which might follow it. He (Mr. Labouchere) had the curiosity to attend rather carefully to

the proceedings in the manufacturing districts during the recess, on the occasions when Gentlemen attended in those districts to explain to the operatives the effects which the Ten Hours Bill was calculated to produce, and to ask their opinions with respect to it; and if it were possible that he could find amusement in connection with a subject which he could not contemplate without melancholy feelings, he should have been amused by the manner in which the subject was put before the operatives. It was described to them as a measure which could not have the effect of reducing wages, whilst in some cases it would raise wages; but it was added that it would be necessary to be able to tell the House of Commons that the operatives would agree to it, even with the risk of its reducing wages. He had an extract from a speech of Mr. Oastler at Blackburn, in which it was put in the following way, "He (Mr. Oastler) would not say what the effect of the Measure would be, [cheers and cries of "It will raise wages,"] but suppose it would reduce wages, what would be the conduct of the men of Blackburn?" Now, would any one say that a question, thus put and responded to, was a fair way in which to judge of the feelings of the operatives with respect to the Ten Hours Bill? If it did in reality materially reduce wages, what, he asked, would be the feelings of the people when they found all their expectations disappointed? There was another point of some importance, which he should allude to just for a moment. It would be allowed that on the whole the tendency of wages was downwards. If they were dealing with a state of society in which wages were buoyant and employment regular, and trade increasing, the effect of such an interference might not be so soon felt but how much more dangerous must it be to commence with such an interference in the present condition of affairs. When the tendency of wages was downwards the results must be more dangerous. It was said that in the present complicated state of the social system in this country they ought to discard old rules and adopt new modes of legislation. He had listened attentively to the arguments put forth by those who advocated that, and he was not yet disposed to give up those rules—to discard the pages of Adam Smith, and to replace them in his library by the writings of Mr. Sadler and Mr. Oastler. He believed that in certain cases departures from strict abstract principles might be just and necessary, but the structure of society was at present so complicated and artificial as to render any departure from principle more dangerous, and made such a step more difficult to retrace, than in a simpler state of the social system. A great deal had been said about over-labour, and the argument had been urged as if over-labour had been now heard of for the first time—one would suppose that except in the factories there had never before been any overtaxing of the energies of the working classes. But how could that be said? Over-labour was not of so recent a date. Every Gentleman who heard him must have read and admired the description which, eighteen centuries ago, had been written by the Roman poet, of the mother of a family in humble life, suffering in her health and strength from her exertions in supporting her family—

> ——— "sopitos suscitat ignes,
> Noctem addens operi * * * *
> * * * * castum ut servare cubile
> Conjugis et possit parvos educere natos."

That was the condition of mankind in all ages; and though he admitted that they were bound to alleviate it as much as they could, to apply to such a state any measures unwisely constructed, or in an empirical spirit, would only aggravate the disease, and render the condition of those who suffered from that labour worse than before. They were told that there would be great danger in disappointing the hopes and expectations of the people on this subject, but he doubted that the working classes entertained that wish to the extent which was represented. He did not believe there was so general a feeling with respect to it, on the part of the working classes, as was some years ago felt on the subject of a maximum of wages. He hoped he felt as strongly as any man the duty of the House to have, in all legislative proceedings, for its object the well-being of the great body of the people; for the maxim of every honest Member of Parliament ought to be always for the many, but not always with the many; and he believed the House would stand better with the country (unless they were convinced that this Measure of a Ten Hours Bill would benefit the working classes) if they opposed it, rather than, not being certain of its effects, they might do that which would lead to disappointment in the minds of the manufacturing population, who would then turn round and be the first to accuse the House of yielding to demands which were not founded on reason and

justice, and only lead to ultimate disappointment and increased misery.

Mr. *Stuart Wortley* said, the delusion of which the right hon. Gentleman spoke rested altogether on the assumption that he thought himself justified in making. He assumed that certain consequences were to follow this step—he assumed that the representations made to the working classes were not founded on justifiable grounds, and then he said the support of this proposition must end in delusion. The assumption was altogether gratuitous. He wished to make a few remarks in support of the Motion of his noble Friend, and he rose to perform this duty with some feeling of pain, because he found himself opposed to those with whom he usually agreed—because he found himself placed in hostility to the Government in whom he usually placed the strongest confidence. But having arrived at conclusions which were based upon some little knowledge of the question, and a careful examination of it, he had only one course to pursue, and that was, to act upon his conviction. He admitted that there were some considerations of the utmost importance involved in this question, and so strongly had he felt the difficulties by which the case was surrounded, that he had always reserved to himself the right to look calmly into the matter, and it was not until he found himself in the position which he had the honour to fill that he consented to announce the opinions which he now ventured to express. It was said there was nothing to justify the interference now proposed, but if the House would consider the history of the question they would find that great changes had taken place, and that the male adult population had almost been displaced by women and children. It was urged that the House was proceeding to limit the hours of the adult male population. They interfered for this reason, that the women and children were helpless and defenceless,—that they were employed for unreasonable hours, and under circumstances that did not leave them at liberty to choose for themselves. The working-day almost universally consisted of twelve hours, and what was the result? Why that men who were occupied in other branches of industry worked twelve hours, whilst their wives and children were employed fourteen hours in the Mills. This was a state of society which had grown up within the last twenty years, and which ought not to be overlooked. But there were many persons who had had some practical experience of the step which it was not possible to take, and these were authorities which ought not to be disregarded. The right hon. Baronet the other night referred to a Petition which he had presented against the amendment of his noble Friend. As a set-off against that Petition, he (Mr. Wortley) would call the attention of the House to a Petition which he presented two years ago from about 300 master-spinners and manufacturers of the West Riding of the County of York. They said

"That twelve hours a day of actual labour, and two hours for meal times and going to and from their work, leaves to these young persons only ten hours out of the twenty-four for sleep, recreation, and attention to their moral, religious, and domestic duties. That your Petitioners are of opinion that ten hours out of the twenty-four is too short a time for sleep and the proper observance of these duties. That your Petitioners are further of opinion that no necessity whatever exists for such long labour in factories; and that their continuance, while it would injure these young persons, would be unattended by any profit to their employers."

It was well known that in Leeds the usual time was eleven hours, and in many other parts of the country the Millowners had shortened their hours of labour; and one Gentleman who had written on the subject said—"I think an eleven hours Bill, allowing all above ten years to work, would meet with the approbation of most manufacturers, and no reduction of wages would then be necessary." It had been stated in the course of the debate by the hon. Member for Sheffield that there had been latterly a depression of wages consequent upon a shortening of the hours of labour, but he believed that that arrangement had taken place under peculiar circumstances—the demand for that species of manufacture having fallen off, the employers thought it most advisable to spread the employment over a larger number of hands, while at the same time the hours of labour were shortened. That could not, therefore, be used as an argument against the proposition of the noble Lord. He would not trouble the House further, so much having been already said upon the subject; but believing that the proposition could be adopted with perfect safety, he should give his vote for the Clause proposed by his noble Friend. He cared not what effect it might have upon local interests, but without any great apprehension of the consequences which had been predicted by those who opposed the Motion

he should support that protection to which he thought the labouring classes were entitled.

Mr. *Bright* said, much time had been taken up by the question then before the House, but he was inclined to think that they would ultimately find the time so spent had not been altogether wasted. The change that was proposed to be made, was one that would affect the well being of the working classes in this country, and it would be most unwise in any Legislature to attempt such a change without having first examined into all the facts and all the consequences that were likely to result from it. Before the noble Lord, the Member for Dorsetshire, had spoken three sentences of the speech in which he had introduced the question, he had come to the conclusion that the House could not determine the matter on the arguments of the noble Lord, because the noble Lord had set out by proposing to lay aside altogether the question of the result which the alteration that he proposed would have on the commerce of the country. The noble Lord could not conceive that any connexion should exist between the consequences which the change he proposed would produce on commerce, and the humane view, as he termed it, which the noble Lord was disposed to take of the question; but he was glad to find the noble Lord had since then decided on viewing the matter in what he should regard as a more sane light. The House should not decide on any mere sentimentalities. They should base the conclusion to which they came on facts and reasons and sound arguments, and they should make sure that the new ground on which it was proposed they should tread was safe before they consented to change their present position. The interference proposed by the noble Lord was admitted on all sides to be likely to lead to more serious results than any that had been heretofore attempted, and it was, therefore, right that the House should require to have a good case made out before it decided on adopting that change. The more attention he bestowed on the subject, the more convinced did he become, that the case on which the noble Lord relied was made up of inaccuracies and gross exaggerations. Since the question had been last before them, he believed every Member of the House had had submitted for his consideration certain facts, or what were put forward as facts, by the parties connected with both sides of the question. On one side they had a document prepared by persons who called themselves delegates of the operative classes of the north of England, and signed by their chairman, George Higginbotham, and they had on the other side a paper put forward on the authority of eight mill-owners, who were admitted to be the most respectable members of their class, whether regarded with respect to intelligence, to wealth, or to general character. He wished to call the attention of the House briefly to these two documents. The first to which he had alluded, that coming from the persons who styled themselves the delegates of the working classes, commenced with an attack on Mr. Henry Ashworth, of Bolton, who was described in it as "one of the foremost of that class of manufacturers who are the worst masters in that part of the country, and the most opposed to any general amelioration of the condition of the working classes." When he read that sentence he saw at once the species of consideration to which the paper was entitled. He might ask the House how many testimonies had they of the respectability and intelligence of Mr. Ashworth? Had they not the testimony of the Rev. Baptist Noel, of the hon. Member for Honiton, of the noble Lord, the Member for Newark, and others? but there was no necessity for him to attempt any justification of the character of such a man as Mr. Ashworth. This much he might be allowed to say, that the place where that Gentleman now resided had been a wilderness, whereas it had now the appearance of a garden; and he would add, there were around it more well built cottages inhabited by independent families, than could probably be found on any mere landed estate in the Kingdom. So much for the slander with which that document commenced, and he was sorry to find that such a paper should have been introduced to the notice of the Members of that House under the sanction of the noble Lord, the Member for Dorsetshire, the influence of whose name was stated to have been used for the purpose of bringing it under their notice. Next, as to the account which it gave of the work which the spinner performed per day. It contained a wood-cut of the operation, and a diagram showing the distance which the workers were obliged to walk each day. He had no hesitation in saying that these representations were in every part of them calculated to mislead the House, and he was sorry the noble Lord was not present to hear

his denunciation of them. [Lord *Ashley*, who was in the Gallery—"Hear, hear."] They were calculated to create an impression the very reverse of the truth, and he was sure they would apply with equal accuracy to any other trade, or to any other country, as to the spinning trade as carried on in England. The diagram was based on the principle, that the worker began at the very end of the machine, and then passed over working at every spindle—a thing which was never done. If the noble Lord, the Member for Dorsetshire, had ever been in a mill himself, he should know that such was not the case; and the persons who prepared that paper put forward what he had no hesitation in saying they must have been aware was entirely false. The noble Lord stated the other night that Mr. Ashworth and Mr. Gregg had refused to meet the delegates of the operatives and himself; but the fact was, those Gentlemen were quite ready and willing to meet the noble Lord. [Lord *Ashley*: "No, no."] He had the correspondence in his hand in which he was borne out by those Gentlemen themselves. [Lord *Ashley*: "Read it then."] It would be a waste of time for him to go through the correspondence, and, if the House were not willing to take his word for the substance of it, he could not help it. The noble Lord should bear in mind that Mr. Gregg had been singled out by the party with which the noble Lord was connected as a man on whom every slander that could be invented was to be poured, and it was on that account he declined to meet the men who were represented to be the delegates of the operative classes. Another subject to which he wished to refer was a statement made by the noble Lord, that the improvements made within the last fifteen years in the power loom materially increased the toil of the operative: that formerly the shuttle passed through the loom 60 times in a minute, whereas it now passed through 120 times in a minute. If he recollected rightly, the term used by the noble Lord was that the labour was at least doubled: but what was the fact? In the hand-loom, the weaver was obliged to move the entire of the machinery by working with his feet on the two paddle-boards below, and he had also to throw the shuttle, and move the reed with his hands, whereas in the power-loom the entire motion is effected by steam, and the weaving would go on just as well if the man were two miles instead of two feet distant, except for putting in the weft, which might be considered as no toil at all, as it occurred only once in some minutes. That statement was, therefore, a gross and undeniable exaggeration on the part of the noble Lord, the Member for Dorsetshire, and he pledged his honour that the fact was as he had stated. The noble Lord quoted M. Villermé; but he gave a colouring to the opinion of that gentleman which he (Mr. Bright) considered could not be sustained. He next came to the document put forward by the mill-owners, and which, as he had before stated, was signed by eight of the most respectable members of the trade. It was a paper made up in the most careful, and, he believed, in the most fair manner. A committee had been appointed for the purpose, and had sent circulars to 700 or 750 mills; and though the returns did not exceed more than 470 or 480, still it should be recollected that in many instances three or four mills belonged to the one firm, and therefore these returns should be considered as containing the opinions of the great majority of those to whom the circulars had been sent. It was his firm conviction that there was nothing in the document prepared by those eight gentlemen that was not perfectly true. It appeared from it that in only one return was the distance which the worker had to walk put down as twenty miles, while not one of the others calculated the distance at more than twelve miles. And yet the document sent in, on the part of the operatives, described the distance to be thirty-eight miles, and the noble Lord in his speech considered the average distance walked by each worker at least twenty-six miles. He would ask whether the returns made from such a number of mill-owners, belonging to all shades of politics, was not more to be relied on than either the statement of the noble Lord, or of his friends, the operative delegates? Was it not impossible, on the very face of it, that any person could walk thirty-eight miles at regular work, much less that it could be continued for a succession of days, and that too even by children? The thing was perfectly ridiculous. Then it was said they walked bare-footed; but it should be recollected, that the boarded floor on which they moved was smooth and slippery from the oil that fell upon it, and, at all events, they did not go without shoes from the want of money to purchase them. There was another part of that document which was calculated to mislead the House. He alluded to the attitude in which the person was

described when piecing up the threads. The wood cut was intended to explain the painful and unhealthy manner in which females were obliged to perform that operation. But if the noble Lord knew anything of mule-spinning, he should be aware that though that posture was necessary when the carriage of the mule was much drawn out, still it would clearly be the interest of the worker to piece the threads when there would be no necessity for stretching so much, and which could nearly at all times be done. He considered it the grossest imposition ever practised to attempt giving the House so unfair an impression of the nature of the labour performed in that particular branch of the trade. He would not go into the question of education and wages, and the number of persons above forty years of age who were employed in the mills; but on these heads he was convinced the House might rely on the paper which had been prepared by the eight gentlemen to whom he had before alluded. Before leaving that part of the subject he should observe that it was most satisfactory to find hon. Members opposite paying so much regard to the opinions of the operatives, as often when petitions had been presented, signed by 2,000,000 or 3,000,000 of the labouring classes, he found those same hon. Gentlemen considering them as not weighing a feather in that House. He would mention one or two cases which strongly showed what the operatives thought with regard to this question. A paper had been placed in his hands by a large manufacturer, and it referred to a deputation which waited on a manufacturer in one of the Lancashire towns, asking his support to the ten hours proposition. This manufacturer asked the men whether they were in earnest in expressing a wish to work only ten hours, and after a little hesitation, one of them answered that he should like to do so. His employer then said to him, "You have as good a pair of mules as any in my mill, and if you choose you may work ten hours a day only for twelve months, and I will neither discharge you, nor disturb you." The man replied that he should not like to work ten hours alone, and the manufacturer then observed, that if all the spinners in this workman's room chose to work ten hours they might do so, and he would not disturb them for twelve months, and he said the same thing with regard to all the people in the mill, giving them time to consider their answer. This occurred on the 27th of April; but up to the last accounts which he (Mr. Bright) had received, which were to the middle of last week, the manufacturer in question had had no further intimation from his men, that they were anxious to work only ten hours. He would mention another case, communicated by a gentleman who had a large manufacturing establishment, not far from Bury. This gentleman thought he would try how far the ten hours project was agreeable to his men, and he, consequently, stopped the engine after ten hours, and persisted in it for a short time, until his hands told him they would turn out unless his engine worked twelve hours, as before. The following, too, was an extract from a letter which had been placed in his hand:—

"I hope you made use of the statement I gave you with respect to the disposition of our hands working short time. The account I stated was a plain simple fact, and I have no doubt might be verified at any time, even in the presence of the warmest advocate of the Ten Hours' Bill, by the signatures of 900 out of the 1,000 hands we employ. They appear to have more sense than to believe that we shall be able to pay twelve hours' wages for ten hours' work."

It had been said, that no delusion had been practised on the men with respect to this question: but he would declare that gross and cruel delusion had been practised on them. The principal party among the manufacturers who was anxious for a Ten Hours' Bill, was the hon. Member for Oldham, and some two or three others who agreed with him. Now, so far back as the 25th of November, 1833, a meeting took place at Manchester, at which certain resolutions were passed, and he would state what those Resolutions were, as well as the names of some of the parties present. The following were the Resolutions:—

"Unanimously resolved, that it is desirable that all who wish to see society improved and convulsion avoided, should endeavour to assist the working classes to obtain for eight hours' work the present full day's wages, such eight hours to be performed between the hours of six in the morning and six in the evening; and that this regulation should commence on the 1st day of March next. That Messrs. Oastler, Wood, Bull, Sadler, and others be urgently requested to desist from soliciting Parliament for a Ten Hours' Bill, and to use their utmost exertions in aid of the Measures now adopted to carry into effect, on the 1st of March next, the regulation of eight hours' work for the present full day's wages."

So that the proposition for ten hours' work was to be superseded by this new

Measure of eight hours' work for twelve hours' wages. Who were some of the parties chosen to be on the Committee to carry out this New Moral World scheme? Mr. John Fielden, M. P., John Doherty, a name familiar to the noble Member for Dorsetshire, George Higginbottom, James Turner, a party who had acted for the noble Lord, Philip Grant, who might be in the lobby of the House that night, or if not, his absence was an exception to his usual course for some time past, and last not least, Robert Owen, esq. Now, he (Mr. Bright) had no objection to this meeting or to these Resolutions, but he had a great objection to these men being connected with the short-time agitation, and endeavouring to persuade the House that this project could be carried into operation by law without involving a reduction of wages to the working men. Nothing could be more cruel or mischievous than to raise hopes which never could be fulfilled. The hon. Member for Oldham had a peculiar philosophy, but it appeared to be much the same as the philosophy of the *Morning Post*, in reference to another question, the Corn Laws; for that paper told the farmers that three-quarters of a crop would give them as much money as a full crop. So the hon. Member for Oldham told the operatives only to make ten pieces of cloth instead of twelve, and that they would get as much for the ten as the twelve; but the hon. Member did not take into consideration the circumstance, that if they raised the prices, some people who were now clothed must be worse clothed, and that if trade were crippled there could not be constant employment for the constantly increasing population of the country. He (Mr. Bright) would have nothing to do with such a proposition. It appeared to him childish, and something like the political economy of 100 years back. The hon. Member for Liskeard said, that a new state of society existed, and that new principles of legislation must be established for it; but if the hon. Member looked back to some of the old statutes he would find, that the attempt to regulate different trades by Acts of Parliament was not new. The House was now called on to fix the hours of labour, but wages would, in this case, follow the rule which regulated them in all others, and a reduction of wages would ensue on the time of labour being diminished When he addressed the House on a former occasion, he took the liberty of charging the noble Lord the Member for Dorsetshire with the employment of agents such as he ought not to be connected with; and who furnished him with such information as ought not to be relied on. He (Mr. Bright) did not go much into this matter then; but it was not because he had not sufficient information.

[The hon. Member next alluded at some length to parties, who, as he alleged, had misled the noble Lord, and whom he earnestly entreated the noble Lord to get rid of.]

He might state other facts, only that they were not suitable to that House, but he was perfectly convinced, that there had been for years past, and still was, a conspiracy against the manufacturers of the north, as well as a most determined resolve to keep up a perpetual blister on the manufacturing districts — so that the employers and employed might be divided, and thereby weakened, in order that some party purpose might be served which other persons thought important. This was the opinion of the manufacturers themselves. He had watched this agitation for ten years, and he was the more convinced, after hearing the debate and seeing the votes, and having at the same time some idea of the motives, on account of which those votes were given, he was the more convinced that there was a bitter and a hostile feeling towards that portion of the country which was most populous and most industrious, and which employed a very large portion of the population of the island. He asked the House to consider whether it would not be better to pursue another tack? It was admitted on all hands, that the noble Lord's proposition violated principle—that it would reduce wages, and interfere, as many believed, with the foreign trade. When proceeding in the direction of a bad principle, too great caution could not be exercised. The House was not justified in putting restrictions on the labour of the manufacturers of this country, until it had taken off every burthen of which it could relieve them. If there was any feeling in favour of a Ten Hours Bill, the feeling in favour of free-trade was 10,000 times stronger. There could be no doubt that the burthens laid on trade were excessive and enormous. He agreed with the hon. Member for Stockport in thinking it would be a very excellent thing if the workmen could live with ten hours labour, and he believed they might if the House did justice to the industrious population. The manufacturers

did not come to that House to ask for favours. He, for one, would scorn to ask for that which was not given to the rest of his fellow-countrymen; but the manufacturers desired that the House, instead of passing a Measure which would tend to restrict their market and diminish wages, should give to their workmen the means of obtaining sugar, bread, and other necessaries at a low rate. If there was any real sympathy for the working classes on the part of this House, there would be a disposition to give freedom to their industry, value to the produce of their toil, by relieving them from all restrictions on trade rather than by miserable legislation on principles false and mischievous, to endeavour to restore a prosperity which their own blunders had well nigh destroyed.

Lord *Ashley* wished to say one word in explanation. The hon. Member had charged him with gross, violent, and he almost thought, with wilful exaggeration. ["No, no."] Well, not with wilful, but with gross and exceeding exaggeration, and the hon. Member proved his charge by saying, that he (Lord Ashley) had stated that in the weaving department labour had so increased, as to be now actually double what it was a short time ago. It was unnecessary for him to reply to all the statements of the hon. Member, for he would take this case as a sample of his other statements against him. What he had really said was, that "in the weaving-room, where a vast number of persons were employed, and principally females, an operative writing to him (Lord Ashley) stated that the labour had increased within the last few years,"—how much? to double the extent, or to one-third?—no; but "fully 10 per cent." That was precisely what he had said, and no more; and he now left the House to decide who was the gross and intolerable exaggerator.

Mr. *Shaw* felt, that he had no claim to trespass at any length upon the House on the question then before it. He would not, therefore, attempt to follow the hon. Gentleman, the Member for Durham (Mr. Bright), through the various details he had dwelt upon in his speech. But, as he was about to give a vote painful to his own feelings, he hoped the House would allow him a few minutes—and he would not take more—to explain it. He had, upon the several divisions which had already occurred on the question, voted in support of the Ten Hours' Clause, as proposed by his noble Friend (Lord Ashley.) He had not done so without much and anxious deliberation—he had not been unaware of the difficulties of the subject—he had not shut his eyes to the danger, upon general principles, of interposing between employers and their work-people, to regulate labour; and had the Government been able to take their stand upon the broad ground of no interference at all, against what had been termed in that debate, and, perhaps, with some truth, the impulses of humanity and benevolence, he might have hesitated longer. But the Government could not take that ground—their own was a Bill of interference. He did not blame them for having interfered—on the contrary, he thought they had interfered rightly; but they had, in fact, interfered—and the question then became one of degree and not of principle. In short it was this: as we are to interfere, what will be a useful and effectual interference? He had listened with great attention to the able arguments and ingenious calculations of his right hon. Friends (Sir Robert Peel and Sir James Graham) to show the ill consequences which must be brought upon the commercial prosperity of that country, if two hours of daily labour were subtracted from the time of women and young persons in the great factory and mill establishments in the manufacturing districts; but those arguments and calculations appeared to him to apply equally to any two hours, as well the two between twelve and fourteen hours which the Government themselves prohibited, and in a double degree to the four between the Government time, and the sixteen hours mentioned by his right hon. Friend that the people worked in the factories of Switzerland—and the point still resolved itself into this—if the Legislature is to limit, what is the reasonable and right limit? He, for his part, could not agree with the right hon. Gentleman, the Member for Taunton (Mr. Labouchere,) that the period proposed by his noble Friend was an unreasonable limit, but concurred with his hon Friend, the Member for the West Riding (Mr. Stuart Wortley), that if we were, by legislation, to prescribe the hours beyond which the weaker classes of women and young persons were not to work, it was but consonant, not only with the dictates of humanity, but the voice of reason, that we should name a period not greater than the ordinary day's labour of

mature and robust men—namely, ten hours exclusive of meals and rest. He thought, moreover, that too much stress had been laid upon those last two hours; for not only the evidence in this case, in which there might be some conflict, but all analogy, as applied both to mental and bodily labour, went to satisfy him that ten hours' healthful and vigorous labour would yield a greater profit than twelve hours under the influence of over work and its consequent listlessness—and that independently of the consideration which onght not to be overlooked, and which had then been so feelingly and ably dwelt upon by his hon. Friend the Member for Honiton (Mr. M'Geachy), that, even if there should be some money-loss to the labourer, it would be more than compensated by increased health and enjoyment, and the improved physical and moral economy of his family and household. He would confess that he had been greatly influenced in the decision to which he had come by a deep conviction, that we had arrived at a time when, seeing the extremes of wealth and poverty—that great luxury and crying destitution were presented in more vivid contrast in our social system than they ever had been in the history of these countries—that, he said, the time was come when it behoved the Legislature to take some further step towards protecting the most helpless, and ameliorating the condition of the most suffering, of our labouring classes—and experience and precedent, as well as the Government itself pointed out the present as the safest direction for such a step. He therefore, however painfully, must persevere in voting as he had voted before. He had heard with great regret the declaration of his right hon. Friend (Sir J. Graham), that the success of the present amendment would affect the endurance of the Cabinet. He thought that such a course on the part of the Government would be wholly unjustified by such a result. He, however, thought there were symptoms observable throughout the debate that rendered that result highly improbable. He must, at all events, go straight forward—and he would conclude by alluding to a sentiment which had fallen from his right hon. Friend (Sir Robert Peel), upon a former occasion, on the same subject, in which he entirely concurred. It was—that with whatever regret his right hon. Friend differed from so many friends he esteemed, yet, that he (Sir (Sir Robert Peel) was certain they would appreciate his motives, and respect him the more for acting on his own conscientious conviction, so he was persuaded that the same measure of judgment which his right hon. Friend justly claimed for himself, he would extend to those Members, whose every personal and political predilection would lead them to support his right hon. Friend, but who, on the present occasion, felt bound to maintain their own consistency, and satisfy their own consciences, by voting for the amendment of his noble Friend (Lord Ashley).

Mr. *C. Wood* commenced by remarking that the Government had got themselves into their present dilemma entirely by their own fault. He was not, however, about to dwell upon their mistakes; but would rather confine his observations to the effect which this measure would have in limiting the hours of labour of adults working in mills. It was admitted pretty generally, that by this limitation considerable sacrifice would be entailed. Some hon. Members had attempted to set up that the workmen were willing to make this sacrifice. The House, however, was not to consider the opinions of the workmen, so much as they should consider the impressions under which those opinions were formed. It was possible that some one working at an average rate of wages of 24s. a week, might declare himself ready to allow a reduction in his weekly earnings; but Members must reflect what would be the effect of the change, not upon persons of this standing, but on those who were only just able to maintain themselves and their families by their industry. Now, what would be the effect of the alteration upon this class? The hon. Member for Knaresborough had told the workpeople at Leeds that the effect would be not to lower, but to raise wages, and he (Mr. C. Wood) conscientiously believed that the great mass of the labourers really thought that no reduction would follow, or at least that such a demand would be created as ultimately, if they fell, must raise them to their present level. Now he (Mr. C. Wood) believed precisely the reverse of this would be the consequence: he believed that no immediate reduction would occur, but ultimately there must and would be a fall; and for that reason, looking, as it was his duty to look, to the interests of the manufacturing class, he considered himself bound to re-

fuse an alteration calculated, as he believed, to operate so injuriously to their own interests. Now, he did not think it would be difficult at all to show how materially this change would diminish the products of factory labour. Some persons deluded themselves with the notion that as much would be done by working ten hours as by working twelve. These reasoners forgot that the machinery of a mill worked at nearly an equal rate throughout the day—that the spindles revolved with regularity—that with a very slight difference the produce of a mill was equal during every hour that the work was carried on—and that, consequently, if two hours were abstracted from the twelve, in which the work was now performed, they would be cutting off one-sixth of the period during which capital was wrought upon, and the wages of labour were earned. Now, admitting for the sake of argument, that prices at first would rise, so as to allow wages to be maintained at their present rate, what, let him ask, would be the effect upon those who were engaged in trades, which were only ancillary to factory labour? Surely the House could not be generally aware of the probable extent of the effects of the change. The demand for labour would be diminished one-sixth in the trade. The labour of bleachers, sawyers, dyers, would be equally diminished by one sixth, whilst the iron-founder, cotton merchant, coal merchant, and even the ship-owner would find one-sixth less of their capital required. Every trade in connection with factory labour, in which the employment depended not upon price or quality, but upon the quantity produced, would find that one-sixth must go. This would be an indirect effect. Now, let them contemplate a more direct and equally certain consequence on another class. In the town he represented (Halifax) there were sixty-two mills engaged in the worsted manufacture, in which no less than 8,000 hands were employed. One-sixth of these, as an inevitable consequence of the Clause, must be thrown out of occupation. In the country very many of the mills must certainly come to a stand-still. It would be impossible to find relays of children to work them, and the consequence would be that the children must migrate to towns, and that that system of centralization of which they complained so much would be carried to an extent which at present they little conceived. But the operation of the Clause might extend even further than this There might be a great loss on capital. A ten hours clause would operate to diminish the income of the country. He knew some rich manufacturing houses in Yorkshire who had returned *nil* to the last call of the income-tax on the average of three years. That was the case at present, and if manufacturing income were generally diminished, the funds from which to pay wages would be diminished also. Hence the artisan and factory labourer who now asked for this Measure would have to pay for it in the end. He knew of houses in Sheffield whose foreign orders were going abroad to be executed, not on any idea of the balance of trade, as had been suggested by the noble Lord, but for the simple reason that the orders could be executed more cheaply abroad than at Sheffield. He was perfectly ready to ameliorate the condition and increase the comforts of the factory labourer, but it was incumbent on those who advocated a ten hours Clause to show that it would have that effect. He did not believe that by diminishing the profits of the masters they would improve the moral condition of the working people any more than their physical condition. Look at the reports of the state of the manufacturing towns, and they would find that the greatest amount of depravity and vice displayed itself in the haunts of the greatest poverty; and he considered it incontestable that by diminishing the comforts of the working population they diminished their power to resist temptation. Some hon. Gentlemen were very anxious to build more churches and extend education among the working classes; he was quite ready to go along with those Gentlemen, but without at the same time increasing or at least refraining from diminishing, the means of material comfort of those classes, everything of that sort was a mockery. Then, again, he was quite ready to join with the hon. Member for Lambeth (Mr. Hawes) in taking off duties on raw materials; but why was the Legislature to tie its hands in one way only to untie them afterwards in another way? Others had pointed to improvements in the police and sanatory condition of manufacturing towns, and he was quite ready to join in any measures of that sort. In the propriety of legislative interference for those objects he quite agreed, because they could not be effected

by individual means; but where all that their legislation could do might equally well be done by individual effort, then he would not interfere. Accordingly, he was sorry that interference had taken place at all in this matter, but the choice being between twelve hours and ten, he had no hesitation in voting for twelve hours as the least evil of the two; indeed he should not consider himself worthy of his seat in that House if he could hesitate to embrace that measure which he thought the least evil of the two, and resist that which he was persuaded would lead to the destruction of trade and of the comforts of the labouring population.

Mr. *Bailie Cochrane* was understood to say that, on the one hand, the efforts of Her Majesty's Government had been exerted to obtain a majority; on the other, those who advocated a ten hours clause had undertaken to agitate the country in its favour. He must own, with respect to this agitation, that he had been no party to it; he did not see that agitation of questions of this nature was a good; he thought that questions of this nature should be discussed calmly, and with sentiments superior to the effervescence of agitation. He thought that any person acquainted with the right hon. Baronet (Sir J. Graham) with his past conduct, and the care and attention which had been devoted by him to those persons with whom he was familiarly connected, could not doubt his intention honestly to fulfil his duty. Therefore, thinking it wrong to attribute motives at any time, he thought it particularly wrong in this case, and he, therefore, did not attribute any motives to him; but when the right hon. Baronet circumscribed labour to twelve hours, then the whole principle was admitted; the question became one of detail; and in questions of detail, principle having been once sacrificed, then he thought that a compromise ought to have been allowed, and the Government would have done well to have allowed one. However, that having been refused, it remained to consider the case as it stood. It was a question connected with the social wants, the wishes, and condition of the working classes; and with respect to the effect of the proposed limitation to ten hours, he should not himself think the limitation would materially affect either the master or the workmen. It might, perhaps, do so at first, and sacrifices to some extent might be necessary, but he thought that ultimately those sacrifices would be made up to the master by increased prices—to the working man bythe advantage of increased time for recreation and self-improvement. He appreciated fully a sentiment stated by the right hon. Baronet (Sir R. Peel) in 1828, when he said that he would never enter the service of the Crown or the country, intending to lay down his opinion as a *formula* to which every one of his followers must absolutely defer. That was stated by the right hon. Baronet in 1828. What was the conduct of his Government now? At first the question had not been considered as a party question by the Government; it was only by an afterthought that Government made it a party question. In what position then were those Gentlemen placed who had voted against them at first? The Government said to them, "Look at this side and at the other, which will you support—will you sacrifice a Government whose measures have your general support on this single account?" But might not he or any other hon. Gentleman thus addressed retort on the Government, "If your policy is so far superior to that of the Gentlemen opposite, and so much safer for the country, will you, for one vote on this question, sacrifice the interests of the country, by throwing up the Government and quitting the service of the Crown, because I vote against you on this single question?" He firmly believed Her Majesty's Government would not do so, but would see the necessity of not sacrificing their position on a single vote on such a question as this. The hon. Member concluded by expressing a hope that Gentlemen on both sides of the House would see the fairness and expediency of not making this a party question.

Sir *R. Peel*: I am certainly very sorry to trouble the House at this hour of the morning; but I do think it is of great importance that we should come to some decision on the subject without much further protraction of the discussion; and I think, at the same time, that I should abandon the duty which I have to perform in this House, if I did not state without reserve and without hesitation, the strong opinions which I entertain upon the Bill now under consideration. The question for the House to decide is, shall we at this early period curtail factory la-

bour to the extent of two hours a-day?—that is the question. Of what avail is it to taunt us with a violation of principle? If necessary, the House may reject our proposition, but what vindication is it of you that you alter our alleged violation of principle from twelve hours to ten? You say that Her Majesty's Government have committed an error in proposing a twelve hours Clause, and you say that that error shall justify you in interfering with adult labour. Now, for the present I will put the question of principle altogether aside, and I will discuss the matter with you as a question of degree; but I tell you first that we, the Government, have arrived at the utmost limit to which we can go in a case of this kind—we have reached the utmost extent to which we can agree to limit the labour of adults. At the same time, remember, that our error, if we have committed one, will be no vindication of you for adopting an impolitic measure. Prove me wrong if you can, but do not taunt me with doing that which you have done yourselves; for you have violated principle just as much as we have. Again, I recur to the question which the House has to decide—is it politic, or is it not, to limit the hours of labour in factories to ten? As I before said, I will discuss this with you as a question of degree; and, in such a discussion, I should be glad to learn what is the advantage of referring to the Corn Laws? If you ask me what I think of the Corn Laws, I am prepared to state my opinions; but why in the present discussion tell us that we are inconsistent because we maintain the Corn Laws? Granted that we maintain a restriction upon Corn, how can that justify you for imposing other restrictions upon the manufactures of the country? Take either branch of the dilemma, and you must find yourselves equally embarrassed. Agree with us that the Corn Laws happen to be justified by the peculiar circumstances of the country, and then you cannot with any consistency be favourable to the imposition of any such restriction as this ten hours' Clause. Say, on the other hand, that the Corn Laws ought to be removed, and how can you consistently set them free and impose restrictions upon any other branch of trade? How can you restrict labour if you set free commerce? How do you reconcile the one or the other with justice? You tell us that the extent of your interference is very trifling, that it only goes the length of two hours in the work of the day; but have you forgotten that in all these cases there is a vast machine at work; that in fixing the employment of adult males you limit the labour of the machine? The factories at present employ the power of about 100,000 horses. The quantity of goods exported amounts to 51,000,000*l.* Now, in the present Bill, it is proposed to deal with 35,000,000*l.* of exports. We have a steam-engine power equal to 100,000 horses. This power gives employment to 450,000 persons, and I will state the grounds of this calculation. In the year 1839, the horse-power employed in machinery was estimated upon good authority at rather below 97,000, and the persons employed in connection with that machinery at 430,000, being four and a half persons for each horse-power. Since that time there has been a considerable increase in the amount of machinery employed, which probably would justify us in fixing the present amount at 100,000 horse-power, and this would give a proportionate increase in the number of persons employed, which fixes them at about 450,000. Of these persons the average weekly wages is 10s. Taking the children and men one with another, the average weekly wages cannot be less than 10s., which gives a gross weekly payment of 225,000*l.* for factory labour, paid to 450,000 persons. But what says the hon. Member for Lambeth upon this point? He said that we could not get at the number; and that even if we did it would hardly prove considerable, compared with the whole population. [Mr. *Hawes*: What I stated was simply in answer to the statements of the right hon. Baronet, the Home Secretary, that the account must be considered in reference to the whole population.] But what I say is, that this limitation of the hours of labour in factories to ten, is no test of the degree in which the Measure will interfere with the manufacturers and with the labourers generally of the country. In our factories an immense amount of power in machinery is employed, which must be governed and controlled by a directing mind, and therefore, by your interference you do not merely contract the manual labour of a few men, you limit the operations of mind, and of that wonderful machinery which assists in the production of articles intended both for the home and

foreign market. But even the number of persons employed in immediate connection with the machine that you throw out of labour is not the whole consideration. When you throw a certain number of factory labourers out of occupation, you take away employment from a much greater number than if you legislated to the same extent upon an equal number of persons engaged in spade husbandry. Prohibit the use of one spade, and only one individual loses his work, but how many are thrown into idleness by the stoppage of a single steam-engine—a power 1,000 times as great as that of a single spade, or any other simple instrument? In looking at a question of this kind, we must look at all the incidents of the case; we must remember that in changing the hours of labour from twelve to ten, we are dealing with an amount of weekly wages of not less than 225,000*l.*, and the effect of this is to lay a tax upon labour of not less than 16¼ per cent. It is an Income-tax upon the poor man of 16¼ per cent., when you deny him a command over his own labour, and say he shall work only ten hours instead of twelve. That 16¼ per cent. amounts to 36,000*l.* of weekly wages to be deducted from the gross sum of 225,000*l.* That, however, is not the whole amount of the loss, for 16¼ per cent. does not cover the whole sum; fixed capital will suffer by your proposed change in a corresponding degree, and the manufacturer to compensate himself will still further reduce wages, and looking at the amount thus deducted from the retail trade, I beg the House to contemplate for a moment the effect of such a Measure as this upon a single mill in Manchester. The case of this mill is a fair test of what may be the probable effect of this Measure upon other establishments. The owners of this mill hold their water-power upon lease. They never contemplated such an interference as the present, they have no clause in their lease to protect them from the interference of Parliament, and what are they now to do with all their arrangements and liabilities founded upon the basis of the existing law? In that mill they at present work twelve hours a-day. There are 475 persons employed in it, of whom 119 are adult males; the remaining number, 356, would have their hours of labour also curtailed; and why should all this take place?—for the purpose of improving the social condition of the people employed in that mill. Let the House only look at the state of health of the persons employed in that mill. Out of 475, only 7 are absent on account of illness. That is to say, that only 1 in 68 is incapacitated on account of illness, being 1½ per cent. on the 475. Of the whole thus employed, 259 reside in Manchester, and 216 of the number have been attracted to that establishment: they have been allured to it by a high rate of wages, and they have been toiling during a period of prosperity in trade, to make a provision which shall guard them against the evils of poverty in old age. You tell these poor people that they are not to make the most of their labour while they can, and then you tell me that the prohibition is for their physical comfort, their moral improvement, and their social happiness. I admit freely, that our first consideration ought to be the moral habits of our people. But let us now observe the effect of the restrictions of factory labour upon other descriptions of labour not immediately connected with factory labour. I was told the other night that I ought not to refer to the trades connected with the working of metals—that I have no right to say that the labour there is more oppressive, and the labourers more entitled to interference and protection, because it is said that with those trades Parliament would interfere if it could; but let us observe the effect upon other branches of industry, indirectly connected with factory labour. I am now discussing the question upon the moral and social view—keeping the commercial view of the subject entirely apart, and out of consideration for the present. Now, what effect will a tax upon machinery to the amount of 16 per cent.—that very tax for which all along the hand-loom weavers have been contending—what effect will it have upon hand-labour? The hand-loom weavers have always been saying, "See how we are affected by machinery—it destroys our trade—it ruins ourselves and families—impose a tax upon it, that we may have a chance of a fair competition." Now, that is the very thing that you are going to do. You are about to give a stimulus to the hand-loom weavers—but their condition has occupied your attention, you have appointed Committees of the House to consider that condition, you have established Commissions, and you have sent down sub-commissioners, to examine evi-

dence upon the spot. The effect of your Measure will, no doubt, be, to give to that trade a short-lived prosperity, but, by affording this premium, are you advancing the morality, or the social comforts, of the labouring people of the country? You have evidence upon the point. The hand-loom weavers exist, in different parts, in great numbers. They have been languishing hitherto, and nothing, but a tax upon machinery, could give them even a short-lived chance of success. Here is the Report of the Commissioners. Now, first, as to the number of hours. You complain of twelve hours' labour in factories. What is the number we find stated here, as the common hours of the hand-loom weavers, which, mark, you cannot control, unless you admit the right of interference in every individual house, and upon every individual loom? With reference to this class of operatives, Mr. Muggeridge reports:—

"I am of opinion that the ordinary hours of labour of the weaver, when work is attainable, may be estimated, on the average, at fourteen daily. I think the weavers wait for, or are out of work, about one-fourth of their time, on an average of years. In the township of Briercliffe with Entwistle, in this neighbourhood, Mr. James Smith, of Haggate, stated—'Our tenants are nearly all weavers. There has been no payment of rents for the last two half-yearly rent days, in our township, and a third is fast approaching.' In a survey of this township, I found 171 families of weavers, numbering 968 persons, and possessing 606 looms, all then employed. Their gross earnings for the week, were 85*l.* 16*s.* 6*d.*, or 10*s.* 0½*d.* per family, from which, it was alleged, 30*l.* 4*s.* 10*d.* must be deducted for expenses, giving net 6*s.* 6*d.* per family, on an average of 3½ looms to each family."

You don't attempt to interfere with this description of labour, because you feel it would be impossible, unless you established a system of domestic inquisition throughout every house wherein the business is carried on. True it is, they are without work three or four months in the year. Mr. Hickson, a competent authority on this subject, states, that—

"Weaving, as a domestic occupation, among the hand-loom cotton-weavers, is carried on in circumstances more prejudicial to health, and at a greater sacrifice of personal comfort, than weaving in any other branch. The great majority of hand-loom cotton-weavers work in cellars, sufficiently light to enable them to throw the shuttle, but cheerless, because seldom visited by the sun. The reason that cellars are chosen, is because cotton requires to be woven damp. The air, therefore, must be cool and moist, instead of warm and dry. Unhappily, the medium which might be preserved, without injury to the constitution, and which is preserved in the best power-loom factories, the impoverished hand-loom cotton-weavers are obliged often to disregard. I have seen them working in cellars dug out of an undrained swamp; the streets formed by their houses, without sewers, and flooded with rain; the water, therefore, running down the bare walls of the cellars, and rendering them unfit for the abode of dogs or rats. It is difficult to imagine a darker picture; and it may surprise the denouncers of our factory system, to find all the vices and miseries which they attribute to it flourishing so rankly, in the midst of a population, not only beyond the walls of a factory, but also beyond the contamination of a large town. Still more, that these vices and miseries decline, as the population emerges from the condition, which might have been fondly anticipated to be one of rural innocence and happiness, to be a town, and factory population. For the single-hand trade of the country, not only exhibits the greatest demoralisation at home, but helps to fill the criminal calendars of neighbouring counties."

So I say, that I doubt the policy of discouraging the factories, if the consequence be to give a premium to a trade more immoral, more oppressive, and less productive. Now, allow me, shortly to refer to the arguments by which this Measure is attempted to be sustained. I will simply state them, and will not introduce one superfluous word, in giving what I consider to be a sufficient answer to each. First, then, it is stated, that by limiting the number of hours to ten, as much work will be done, as with twelve hours' labour—that there will be such an exercise of animal spirit and strength, on the part of the labourer, as more than to compensate for the difference in time. That is the statement, and I believe it to be an assumption entirely without foundation. As the hon. Gentleman says, it might be true of manual labour, but, with regard to the work done by machinery, I cannot help thinking that it is quite impossible. I have had an opportunity of knowing the actual amount of work performed in a factory, in which the mill happened, for a time, to be in operation for only ten hours. The account was kept without any reference to the present question, and I think it affords a good indication of the general results of ten hours' labour. From March to July, 1842, a period of fifteen weeks, the mill was worked for twelve hours, for

five days, and the usual time upon the Saturday. After that time, it was compelled to work five-sixths of the time—ten hours, instead of twelve, during five days. Now, the average weekly produce, when the time of working was twelve hours a day, was 119,000 hanks of cotton. According to the difference in the time of labour, the proportionate amount produced under the ten to that produced under the twelve hours, would be 99,574 hanks. You argue, however, that a greater quantity will actually be produced, in consequence of the increased strength and spirits of the men; but, in this case, the fact was, that less was produced; that the actual amount produced, was only 99,172 hanks, being an amount, nearly corresponding to the proportion with time, but rather under than over the proportion. I have the greatest confidence in that statement, and to me it seems a convincing proof, that your assumption of the produce of ten hours' labour, being nearly equal to the produce of twelve hours' labour, is entirely without foundation. Another argument very much relied upon, put forward in a manner which shows, that it is considered quite conclusive on the subject, is shortly this. It has been repeated in every night's debate, and seems very popular. It is said, that "which is morally wrong, cannot be politically right." This is a sort of saying, which is very much admired in certain quarters. [Lord *Ashley:* Hear.] But, all the arguments in the House ought to be submitted to the test of reason, and my noble Friend must not be offended, if I claim the privilege of submitting his argument to the same test. "That which is morally wrong, is not politically right." That is the principle, but what is the meaning of it? What is the meaning of that argument? I can understand it in reference to some enormous act of injustice or of aggression, as in the case of the revocation of the edict of Nantes, or the partition of Poland; but I wish to know, does it mean that I am bound to interfere by law with that which I feel to be morally wrong? If so, I distinctly say that such is not the true principle of legislation. I may be, as perhaps I shall be, denounced for holding this doctrine; but I shall be utterly regardless of such denouncement, and shall proceed fearless to examine the principle. I will show you there are many things which I know to be morally wrong, with which neither I nor you can interfere in the way of legislation; for instance, intemperance—envy, are great moral offences. Both, though convinced that they are wrong, I tolerate them, because I am also convinced they are not within the sphere of legislation. However grave the offence against morality, the Legislature attempts to strike a balance, and see whether the attempt to interfere would not be more prejudicial than connivance. But who is to decide the question of an act being immoral? or how am I to apply the rule of interference? In a despotic country the adoption of such a principle might lead to justify any atrocity. The Inquisition itself could be defended upon this principle, for it only attempted to put down what it deemed morally wrong by the exercise of power. But in this case, where I admit that we ought to consult that which is for the lasting benefit of the people—for the advancement of morality and not for the increase of wealth—are we not left free to determine whether the means you propose will produce that end—whether those means are or are not morally right? In that sense I deny, Sir, that we are perpetrating a wrong in legislating for twelve hours' labour a day. Some go, however, further, and how am I to deal with those who advocate eight hours a day? The hon. Member for Oldham (Mr. Fielden) says "restrict labour in factories to eight hours, there is no use in carrying it to ten; ten hours' labour of a female, perhaps pregnant, perhaps having a large family, will leave no sufficient time for the performance of domestic duties—your measure is incomplete, extend it to eight hours." Will those who contend for this simple rule, that what is morally wrong can't be politically right, vote for a Motion of the hon. Gentleman for restricting the period of female labour to eight hours a-day? He says that for them to work more is morally wrong; and if hon. Gentlemen don't vote for it, are not they precisely in the same difficulty that I am, who object to the limitation of twelve hours? Certainly it would be much more agreeable to me to see women working ten hours than twelve; but, balancing the evils of the interference with the good, seeing on the one hand a diminution of wages, on the other a risk of the loss of commerce, I fear that in a short time there would not be occupation for the productive industry of the country. I prefer twelve hours to ten upon that ground—not ab-

stractedly, but upon a large and comprehensive view of the subject. Why, if you apply the same argument in opposition to the Bill of him who asks you to limit the hours of labour to eight instead of ten, you admit that that great rule of legislation, that "that which is morally wrong cannot be politically right," constitutes no rule to act on; and that is the only way to test the proposal of my noble Friend. I say that affords no safe rule for legislation. We meet you at once on the abstract question. Not that we like to see women labouring twelve hours, but because we doubt whether we should not be doing more that is morally wrong, by curtailing the labour and diminishing the wages and the comforts of the labourers, than by positively permitting them to work the twelve hours, which they may do now. The noble Lord opposite (Lord Howick) vindicated his vote on commercial views, and I was rather surprised at the views which he took of the moral and social bearings of the question. I thought he would have said, that he was for the principle of non-interference, but that this was an exception to his principles of political economy; and I was surprised to hear him attempt to vindicate his vote by those novel views of political economy and foreign trade with which he favoured the House. If I understood the noble Lord rightly, he is of opinion that it was a matter of no great importance whether or not we are able to undersell the Americans in the Chinese market. I always thought that the more cheaply you could produce an article of manufacture as compared with another competing power, the more it was for your advantage, and that if you could command a greater quantity of the produce of another country—be it tea, cotton, or sugar—at a less sacrifice than they could be purchased by a third power, it would be a great advantage to you. But the noble Lord has a doctrine that, because America wants tea, and levys no duty on it, it is therefore of no consequence on what terms we meet the Americans in the Chinese market. I do not understand the noble Lord. I know that this is a great crisis in the commerce of that country. I know that America has been sending goods in large quantities to China, and that the Chinese have a preference for English goods, and that a great rivalry and contest for supremacy exist, and I should, therefore, have thought that if, under such circumstances, England could have undersold America, it would, according to the doctrines of common sense and the received opinions of writers on political economy, have been a great advantage to us. The noble Lord's views of foreign trade were rather peculiar. According to him, the extent of the foreign trade depends on the amount of the articles of importation for which you have a demand in your own country. But on what does this demand in your own country depend? Does it not depend on the profits of trade, on the accumulation of capital, and on the savings of industry? If I can save more money and make more profit by working for twelve hours instead of ten, shall I not be able to command a greater quantity of the commodities of other countries? If I produce an article more cheaply, accumulate more capital, and make more profit, is it not clear that I shall have a greater command of foreign articles? And therefore it is, that I cannot reconcile the doctrines of the noble Lord as to foreign trade, with what appears to be the doctrines which have prevailed on foreign trade from the days of Adam Smith to the present moment. The noble Lord says, "import as much as you can." I say, export as much as you can. The noble Lord thinks that profits depend entirely on imports, and that imports ensure exports. But I say that profits depend on exports; that exports ensure imports, for you cannot export without importing something equivalent; therefore, I say that the novel doctrine of the noble Lord has no foundation whatever; that foreign trade is a matter of barter, and that the policy of import and export stands on precisely the same foundation. I am, therefore, not at all disposed to agree to a Ten Hours' Bill, by the novel theories which the noble Lord advanced the other night, and which were so very peculiar and not well understood. I admit that I am afraid of foreign competition, and that the danger will be increased by the restriction on the hours of labour which you now propose. We have had a long peace—industry has been unfettered, and a disposition has been felt in all countries to seek for employment in manufacturing industry. There is a prospect of a continuance of that peace. There is a tendency to equalise the profits on all trades in this country. There is a similar tendency throughout the world. You thought it advisable to forego the ad-

vantage which your skill in machinery gave you exclusively. You had the command of iron and coal, and you did not abandon your advantage through generosity or feelings of disinterestedness, but because you could retain your exclusive possession of machinery no longer. You might keep the machines, perhaps, but you could not keep the men who made them. You had found that though you could prevent the export of whole machines, yet you could not prevent the exportation of the models, or of the machinery in parts. There was an attempt at the Custom House to prevent the export of machinery, but all was in vain—machinery went out. That deprived you of the nominal advantage which you possessed as to machinery, and made you liable to be undersold by the rest of the world. There is a work written by a Belgian Gentleman, Monsieur Ducpetiaux, a member of a commission charged to propose a *profet de loi* to regulate the labour of young persons. I cannot, of course, be certain of the accuracy of all his details, but this is his account of the hours of labour in different countries. He professes to take them from a French work, published in 1837. Different regulations may have been published since, but the work states the number of hours of labour per week to be, in the United States 78; France 72 to 84; Prussia 72 to 90; Switzerland 78 to 84; Austria 72 to 80; Tyrol 78 to 80; Saxony 72; Baden 84; Bonn 94; and in England 69, being less in England than in any other competing country in Europe. We have permitted the exportation of machines—we have already less of weekly labour than any other country, and yet now it is proposed that those 69 hours should be reduced to 58. I do think that is a most serious matter, and it requires statements of facts of a most unquestionable character, and arguments of the most cogent description to justify such an experiment. As it has been very truly said, we are now recovering from the depression of four disastrous years; during which we have had an opportunity of watching the effect of a forced limitation of the hours of labour. We have seen what it was to leave persons in the possession of time for which they had not a demand—we have seen the moral and social evils it produced; there is now a revival in trade; but with that revival in trade, you seek to dispirit competition by a legislative restriction of the hours of labour. New markets are opened, but in those new markets we meet competing rivals. We have to labour for several hours less in the week than any other country, and not satisfied with that, and as if we were not satisfied with the experience of the last four years, when manufacturing prosperity is returning, we don't permit six months to elapse before we try to reduce our amount of labour from sixty-nine hours per week to fifty-eight. I do earnestly and sincerely deprecate such interference. Are the facts which have been stated to be relied on? They made a great impression when stated; and when it was said that young females were compelled to walk (in addition to mental toil) from twenty to twenty-seven or twenty-eight miles a-day, it had great influence on the House and on the public; but if it be not so, don't let the original impression remain, and induce you to make this perilous experiment. Thirty-seven miles. Sir, I have from certain circumstances of my life some knowledge of factories, and I declare it as my conviction that such a distance, even as an extreme case, must be utterly impossible. Nay, taking it at twenty, I believe such never was the distance. I have the strongest impression upon my mind that no person ever walked that distance in a factory in one day. I have seen calculations made, in which I have much greater confidence than in others, and my firm impression is, that the *maximum* of possible distance is twelve miles in the course of the twelve hours—(I was surprised to see it stated even so high)—and I believe the average to be from eight to nine miles; but I am convinced it is capable of demonstration, that, taking all ordinary data, it is impossible that the distance should exceed a mile per hour. Whether or not a certain degree of walking may or may not be beneficial to the artisan is matter for inquiry. A moderate degree of labour I should think accompanying factory labour renders it more healthy, certainly, than that of the hand-loom weaver. Of course it must be limited; but, at all events, restricted to eight miles in the course of the day, I do not consider it can be prejudicial to health. But as to those impressions which have been founded on the statement made, that the number of miles trodden by the factory children per day is eighteen or twenty I think it clear that those impressions are

erroneous, and that those impressions which may have guided some gentlemen on former occasions ought not to influence them in giving their vote this night. To show the straits to which some men are driven in vindication of their votes, I need only refer to the statement made by an hon. Member last night, that Gentleman being a Member (of all places in the world) for Birmingham, whose prosperity depends upon the demand in the foreign markets for its production; and that hon. Gentleman, feeling it difficult to deny that the consequence of this interference must be to raise the price of the manufactured article, to diminish the demand, and curtail our export trade, he, with a practical knowledge of business, not content with the facts which were stated, got up and told us in his vindication, and said, "Very true it may be that it will injure our foreign trade, and that is now hardly worth having; —what would the country suffer if we lost it?" When we have a statement of that kind from an hon. Gentleman who represents a great commercial and manufacturing town like Birmingham — is not the statement of the hon. Member that if our foreign trade were ruined the country would not suffer—is not that statement enough and sufficient to awaken our minds to the unsoundness of his argument? Some hon. Gentlemen, I think the hon. Member for Finsbury (Mr. T. Duncombe), and the hon. Member for Weymouth (Mr. R. Bernal), complained of Her Majesty's Government for offering an opposition to the Motion of my noble Friend. The hon. Member for Weymouth said we could not deal with men as we would with chessmen that we could not apply that principle to the laws of political economy. The hon. Member for Finsbury tells us to give way in time; that these men who are employed are determined to resist the proposition for twelve hours' labour, and that the sooner we capitulate the better; that their wish is to have ten hours' labour per day, and that a Ten Hours' Bill they will have. Sir, I deeply regret to hear an argument of this kind raised by a Gentleman of the experience and authority of the hon. Member for Weymouth, denying as he does the great principles of all our legislation in respect to the employment of capital, and which ought to be the sound principles of political economy; that is to say, the principles of wisdom matured by experience. I say, I deeply regret to hear hon. Gentlemen abjure those as the leading principles; for, depend upon it, that will be a bad system if they take popular feeling and the popular will as the guides to legislation. If we are to concede now to those demands upon the ground that it is the promulgated wish and feeling of the people, and that they are the best judges of their own case, and of what constitutes their interests, will hon. Gentlemen tell me how long it will be before similar appeals will be made and when, proceeding on the same principle, much larger concessions will be demanded? I fear the interval will be short; indeed, the ground has already been laid for fresh demands. Here is an address of a body of men—I allude to "the Miners' Association of Great Britain and Ireland"—and they briefly state the nature of their demands; and, surely, acting on the principle which has been laid down, we ought to accede to these demands, because these people wish us to do so. And if the presumption be correct that these people are best acquainted with their own interests, clearly after they shall have established this precedent for concession, we shall have no alternative but to make further concessions. This is "The Address of the turned-out Miners of Claycross to a sympathising public." They state their grievances, and then set forth the remedy which they propose in these terms;—

"Having thus stated a few of our grievances we now lay before you those boons we ask, yea, we would say demand, as a redress of those grievances. First, we wish to work eight hours per day and no more. Secondly, we wish to receive 4*s*. per day. Thirdly, we wish to receive our wages weekly. Fourthly, we wish to be united for our protection.

"Friends and fellow-countrymen, we now appeal to your sympathies, and ask you in the name of justice, whether, to be buried in caverns of the earth inhaling the most obnoxioxs air for eight hours a day be not long enough?"

Whatever is morally wrong cannot be politically right. The United Colliers however proceed—

"We ask you whether we are exorbitant in our demands, when we ask 4*s*. for eight hours' toil, hewing from the bowels of the earth so useful a commodity as coals, our lives always being in the most imminent danger, every moment threatening us with the most horrible death, and no provision whatever being made for our wives and children except the cold bastile.

"Fellow-countrymen, we feel confident that when you have read this (which is but a shadow of our grievances) you will be ready to render us that support which the urgency of our case demands at your hands, and that you will likewise be ready to acknowledge that we are no way exorbitant in our demands.

"We remain,

"Your suffering fellow-countrymen,

"THE TURNED-OUT COLLIERS."

This is the address to a sympathising public, and upon the same principle on which we are now asked to legislate, I contend that it ought to be presumed these persons are the best judges of their own interest; so, on the same principle, you ought to concede the point that men ought not to be confined at work in the bowels of the earth—that they should not labour more than eight hours a day, and that four shillings a day ought to be their reward. But I believe that nothing could be more injurious to the best interests of these people than an acquiescence in their demands. I will not act upon the presumption that they are better judges of their interests than the Legislature; and I will not abandon them because they demand these things. It would be no vindication to us to say, that we acted in communion with the feelings of those who raised these demands. No, Sir,

"Evertere domos totas optantibus ipsis
Di faciles."

Or as it has been happily paraphrased—

"How nations sink by darling schemes oppressed,
When vengeance listens to the rash request."

But vengeance will not arise; our duty is to take a comprehensive view of all the great interests, commercial, political, social and moral, of all classes of this great empire. It is a maxim of distributive justice, a maxim of law, a technical rule, in the administration of justice—"*volenti non fit injuria*"—that injury cannot be done to him who consents to it; but you, deputed to perform the functions of watching the welfare of a great country, you cannot act upon that principle. And it cannot be a greater proof of your possessing attributes appropriate to the duties of legislation, that you reverse the maxim "*volenti non fiat injuria*," and you tell the people "We will resist your wishes in order to promote your welfare." "We will discharge the duty assigned to us, on account of our being able to take a more comprehensive and more beneficent view, than you are." I protest, then, against the doctrine, that we are to concede because it is the popular will. If we are satisfied that it is not for the popular interests, then it is our painful but necessary duty to resist. If this House be of a different opinion—if you are satisfied that you must make this great experiment on labour—or if you think concession is inevitable, and that you must give way to the wishes and feelings of the people—be it so! But if you take that course, and if you resolve (as you cannot but do in consistency) to pursue it, you must—I say it with all respect—you must do so under other auspicies, and under guides who can trace a clearer and a better way than can the present Administration. The noble Lord says that we ought not to attach so much importance to this question, that it is a question not of principle but of degree, that the majority will be composed of conflicting elements, and that we ought not, therefore, to insist upon acting on our own opinions. I say, that attaching the importance we do to this question, and foreseeing its results it is our duty in this case to act upon and to enforce our opinions. There is no other way in which we can avert that which we believe to be a serious evil. It may be that by the combination to which the noble Lord refers, you may succeed: but there are occasions when it is the duty of a Government to refuse to be the instruments of carrying into effect the decisions of such combinations. I believe this to be one of those cases. I know not what the result may be this night, but this I know, that I shall with a perfectly safe conscience, if the result be unfavourable to my views, retire with perfect satisfaction into a private station, wishing well to the result of your legislation, but for myself prepared to pursue that more rugged but not inglorious path of duty—prepared to resist concessions which, though popular, I believe to be injurious, and to consult the public interest at the expense of popular favour.

Lord *J. Russell* said, it was not his intention to have taken part in this debate. He considered that, after the declaration which was made after the withdrawal of the first Bill, the question in the view of that House was totally and essentially changed. When the noble Lord (Lord Ashley) brought forward his proposition in the first instance, it was supported by

many hon. Gentlemen on the Ministerial side of the House, while the Government were supported in the course they adopted by many Members on that side. Some of his right hon. Friends, with whom he had always acted with the most cordial concurrence, entirely differed from him on this subject, and he could state that he never attempted in the slightest degree to influence either those right hon. Gentlemen or any others with whom he had spoken on the subject, on a question which he considered was far removed from one of party character; but, after the declaration that was made some weeks ago, that this was to be a question upon which the Ministry were to stand or fall, it appeared to him useless to attempt to argue the question on those grounds on which the noble Lord and others had rested it; because, supposing it to be proved that the present Law was destructive to the health, to the life, and to the morals of the people employed in factories; that the mortality was even more extensive than had been stated; and that the Law might be changed with perfect security to those engaged in factories and without danger to our foreign trade,—supposing all this to be proved to demonstration, yet hon. Gentlemen were prepared to say, "We admit all this; we should be very glad if two hours out of the twelve could be spared; we think it would be highly to the advantage of the persons employed, and that no mischief whatever would ensue; but there is another and further question—The Ministers of the Crown will not consent to this alteration, and therefore we shall oppose such a proposition." Now that was a question which he was not disposed to argue; for he did not think it fit to mix up this great and important question with any question of Ministerial confidence, or want of confidence. He did not think the Ministers of the Crown had done well in saying virtually and in effect, "We will be Ministers so long as all legislation is carried on according to our notions; but, if any alteration of which we do not approve is made in a Bill, from that moment we cease to be the Ministers of the Crown." When they knew that there was in that House a majority favourable to those Ministers, and who wished to retain them in office, there was an end at once to all argument; there was an end to the question whether the proposal were useful or right, or whether it was likely to prove advantageous to the country. The House of Commons had no business with legislation. The only question for its consideration was, "Are the present Ministers of the Crown to be preferred to any others? or, if they were to resign office would they not embarrass, and thwart, and defeat any Ministry that could be formed? Let us, therefore, choose the lesser of two evils; let us reject all advantageous measures of reform or improvement, and only vote in obedience to the Ministry of the day." That was, he conceived, the point to which right hon. Gentlemen opposite were bringing this question. But, though he was hopeless of producing any effect upon hon. Gentlemen who entirely agreed with the views of the noble Lord, who had nothing to urge against them, but who were desirous of keeping in the present Ministry, yet as he had been called upon by the right hon. Gentleman who had charge of the Bill to justify his vote on this subject, he ventured to ask the attention of the House for a few moments while he entered upon that justification. After so much had been said in the discussion of this question with regard to principles, he asked the House to consider what was the principle on which they wished to proceed? Were they inclined to say that the production of manufactures—the attainment of wealth—should be their only object? If that was the view they took, let them adopt the system to which the right hon. Gentleman had referred as prevalent in Germany, in France, and in Prussia,—let the period of work be seventy-two hours, eighty hours, or ninety hours; and, if manufacturing production was their object, undoubtedly they would succeed. True, many myriads of children must be swept away by a constantly recurring mortality; the countenances of the factory population might bear the impress of disease, which was fast hurrying them to the grave; all sense of morality—all knowledge of religion—might be lost or disregarded; but they would secure their object,—they might leave all foreign competition at a distance,—their productions would be unrivalled in the world,—and their manufacturing prosperity would increase to a degree hitherto unexampled. But the House would not agree to that principle, they would not adopt the fourteen, fifteen, or sixteen hours system of other countries. The principle for which

he, and those who adopted the same views, contended, was the very principle on which the present law was founded. But they were told that if they adopted the noble Lord's proposition, they might throw aside Adam Smith, and fill their libraries with more modern pamphlets and books. Whatever Adam Smith might say on this subject, he did not think he had pointed out a distinction between twelve hours' work and ten, that he had shown that twelve hours' work was in accordance with the principles of political economy, while the ten hours' system was opposed to them. He contended, that the existing law, and the proposal of the noble Lord opposite, were founded on the same principle—the principle of regard for national health and morality. The noble Lord (Lord Ashley) contended that children, or, as they were termed in the language of the law " young persons" between the ages of thirteen and eighteen, could not, consistently with the maintenance of their health, and with their instruction in religious and secular knowledge, be employed at work for twelve hours a day, being fourteen hours in all in the mills. The noble Lord therefore proposed that the labour of these young persons should be limited to ten hours. He (Lord J. Russell) asserted that this proposal was founded upon views of national health, religion, and morality, —considerations which the Legislature ought to hold in as high regard as any considerations of national wealth. It might happen that, in some degree, those considerations were conflicting; they might conflict to such an extent, that the House could not carry out its wishes with respect to one or the other of them. It was objected to the proposal of the noble Lord, that though he only professed to apply a restriction to the labour of young persons up to the age of eighteen, yet that that restriction would in practice extend to the whole of the persons employed in factories. He did not think that hon. Gentlemen who had supported the proposal of the noble Lord, had at all shrunk from this consideration. It must not be forgotten that this was no part of the proposal of the noble Lord, and that, if adult males were ready to work twelve or fourteen hours a day, there was nothing in the noble Lord's proposition to prevent them from doing so. The first question was, would wages be diminished by the reduction of the hours of labour from twelve to ten? Nothing he had heard induced him to depart from the opinion he had expressed on a former occasion; he did not believe that the same wages would be given for ten as for twelve hours daily labour. He should be sorry that any deception should be practised on that subject. Of course he could not say, nor could any man say, what the rate of wages would be if this Bill passed any three or four years hence; because there was an infinite number of circumstances that might vary wages at any particular time, of which they could not now speak. But, so far as the effect of the proposal went, he thought the effect would be to diminish wages. Still, however, he entirely agreed with what had been stated, that with some diminution of wages, the increase of comfort, the increase of the power of obtaining instruction in domestic duties, the increase of the power of keeping up those ties of family which were as dear to the poorest as to the highest in the land, there would be in those respects an improvement, and a gain effected by the adoption of the noble Lord's proposition. With respect likewise to the saving of money, he was justified in saying that there were various arrangements with regard to cookery and the economical preparation of meals, by which a saving would be effected if the females were enabled to return home earlier than they now did. But the great question, in which much difficulty appeared to have arisen, was with regard to foreign competition. Now, he was not one of those who at all inclined to speak lightly of foreign competition; but at the same time he must consider both the calculations and the observations which had been made by persons of high authority on this subject. He would not go back to the various calculations made by persons who had taken rather a theoretical view of this question. They had in former debates the estimate of Mr. Senior; since then, they had had the estimate of Colonel Torrens, totally opposed to that of Mr. Senior, and they had now the estimate of eight manufacturers, which in itself was more incomprehensible than either the arguments of Mr. Senior or Colonel Torrens. The noble Lord (Lord Ashley) cited the authority of persons practically acquainted with this subject; and the right hon. Baronet almost seemed to adopt that statement, although he stated it was underrated,—that on twenty-five yards

of calico the difference would be an increase of 5*d.* in the cost of its production, and in the price, supposing profits to remain the same, at which we could sell our goods abroad. But, then, let it be remembered that they were not to reckon on any diminution in a great part of the expences of this article. In the first place, with respect to the cost of bringing the cotton from America, the proposal of his noble Friend would make no difference; with respect to the charges of manufacture it would make no difference. The difference entirely consisted in the diminution of the number of hours employed in labour, and the charges which fall on labour; and these charges it was, which were to effect our total ruin in foreign markets, and make our goods unsaleable there. In looking at this question his attention had been directed to the Handloom Weavers' Commission, at the head of which, were Mr. Senior and Mr. Jones Loyd, persons well able to form an opinion on the subject. These gentlemen stated, that it was a great mistake to suppose, because labour was nominally cheap, that it was really cheap. 6*d.* a-day was very often dearer pay for labour than 1*s.* a-day. They went on to say that, with respect to many foreign countries, the labourers employed in the mills were so inferior to ours, that in that respect alone we enjoyed a great advantage. Further than this, the question of foreign competition had been discussed by Mr. M'Culloch, and this argument appeared in the last edition of his Commercial Dictionary,

"With respect to American competition, he said it was quite ridiculous to suppose that America could compete with this country. With such vast tracts of unoccupied and uncultivated land, it was not to be supposed that the mass of their population could be engaged in manufactures."

He adds, that

"France, Saxony, and Switzerland, we have as little to fear as from America. Switzerland and Saxony, situate almost in the centre of Europe, can only draw their supplies of the raw material by way of Marseilles and Genoa, and a long and expensive land carriage, and it is well known that a bale of cotton can be conveyed from Charleston to Manchester cheaper than from Marseilles or Genoa to Switzerland or Saxony. This saving in the cost of conveying the cotton to those places is of itself a guarantee against the Swiss competition."

But supposing this competition to be more formidable than he believed it to be—although he admitted to some extent its formidable character—were there no other methods, especially with respect to cotton, by which they might afford to meet this competition? A memorial had been presented from parties interested, praying relief from the tax on raw cotton, stating the tax at 8 per cent. on the value. Now, the noble Lord proposed to take away about 7 per cent. by diminishing the hours of labour one-fourteenth, while they maintained a duty of 8 per cent. upon the raw material, and this, be it remembered, applying chiefly to a material which entered most largely into the manufactures which we sent abroad; because it was the coarser fabrics which were sent abroad, whilst the finer sorts were consumed at home. This then was the way in which they met the question of foreign competition. But there was another question which the right hon. Gentleman opposite complained had been unfairly brought into this discussion. He alluded to the restrictive duties on food imported from foreign countries. The question came to this—if you found yourselves pressed by foreign competition, and were obliged to admit food at a very low duty, or without any duty at all, would you make these young persons employed in factories work more hours than their health would enable them to bear? The question was to which alternative they would incline. Would they say, as was stated some nights ago, "Let these people go on working these two hours a day for ever in order to maintain the Corn Laws," or would they rather give up the Corn Laws than enforce those hours of labour? If that, then, were the question, let them but consider in how odious a light they placed these restrictions on foreign corn, when they said, that they would oblige these people to work longer because of the Corn Laws. Such then were the methods which to him appeared far preferable to a continuance of their present restrictions. He had stated these opinions, because the right hon. Gentleman had called on him for an opinion, as he had expressed an opinion on a former night, totally different, he admitted, from that pronounced by him on former occasions. All he could say was, that he had changed his opinion. On reconsidering this question his opinions had undergone a change. The first question was, then,

whether in this change of opinion he had been influenced by any unworthy motive? There was but one Member, who in the course of this debate had insinuated such motives, both against him and some who sat near him. With respect to that hon. and learned Member for Bath (Mr. Roebuck) he would say little, because he had entirely taken himself out of the sphere of our mortal and peccable nature. With great candour, and at the same time with great modesty, that hon. and learned Member said—

"Fools rush in"——

declining to quote the rest of the line; but it was very clear, as lawyers put it, by way of innuendo—he meant "fool," such as the noble Lord the Member for Sunderland, "rush in where angels," meaning thereby the hon. and learned Member for Bath, "feared to tread." With great appropriateness the hon. and learned Member claimed to himself the benefit of the comparison. But, putting aside all dispute with the hon. and learned Member, because he only pretended to be fallible and erring on this subject, he came next to the right hon. Baronet the Secretary of State for the Home Department, who had quoted the remarks he had made on this subject in former years. He had stated formerly what were his views; he had stated them both when in office and after he left office; he stated then the views and impressions which he held at that time. His opinion had now undergone a change. Did the right hon. Baronet mean to assert consistency on every subject to be absolutely necessary to a politician? He might refer to great examples on former days, who were not afraid to avow inconsistency on certain subjects, when reproached with having changed their opinions; but the right hon. Gentleman himself, who appeared there as the organ of a Government composed of men with whom he said at one time it would be inconsistent with his honour to act, because they had always opposed good government and promoted bad—surely he had changed his opinion, having pronounced, as he thought, a somewhat rash judgment on that occasion. He did not think that a change of opinion on such a subject as this was after all so very extraordinary. Again, the right hon. Baronet the First Lord of the Treasury had said the other day, that it would be the greatest degree of presumption and vanity to pretend always to have the same opinion on some subjects. The House had lately heard from that right hon. Gentleman a most admirable exposition of the sound principles which should regulate the currency, although in his early life, before he had fully examined that subject, the right hon. Baronet voted with his party, confiding in their judgment, which he had since seen reason to see was utterly erroneous; but what a loss to the country would it have been if he had foolishly said, "By giving such and such votes, I am pledged to this view of a question, and therefore I will not look into it or endeavour to form a better opinion." He was really sorry to detain the House with these accusations, because he felt it was no reproach to have changed his opinion, thinking as he did that his present opinion would be most conducive to the welfare of the country. He thought so, not merely judging within the narrow limits of the present proposition of the noble Lord. Whatever the consequences of that proposition might be, he thought there were other consequences which were still more important. It was not that he wished, as the right hon. Baronet reproached some with desiring, that they should yield merely because this was a popular question. He did not ask the House to consider any such grounds; but he did think they were bound seriously and year by year to consider what ought to be the future fortunes of this great country. Commercial and manufacturing prosperity should ever be dear to them, but that was not all that should be dear to them. The right hon. Baronet had said there were 450,000 persons, with others dependent on them, who were engaged in manufactures. It was on account of these numbers, on account of their being crowded together in large towns, and because they had not sufficient means and leisure to obtain religious and secular instruction, that he was induced to vote for some plan by which they might in future be cemented and bound up with the institutions and welfare of the country. He felt persuaded, if the Legislature were to neglect this subject, if it were to look for nothing but manufacturing wealth and commercial prosperity, and to say it mattered not what happened so long as the country possessed these, that they would some day or other awake from that pleasant

dream to the sad reality of an immense mass of people estranged from those institutions, setting no value on that which was held to be sacred, and guided by the wildest demagogues, seeking to effect the worst and most mischievous desires. He wished, by some proposition like that of the noble Lord, to give the young time by which they might receive both a better groundwork of domestic affection, and more ample means of instruction in what every citizen of a free state, and above all a state like this, where public discussion was so general, must admit to be advantageous—he might say necessary, for the welfare of the country. With these considerations, and in this spirit, he should cheerfully support the noble Lord, whatever might be the fate of his amendments.

Sir *R. Inglis* said, he hoped the House of Commons, which had heard the speech of the head of the Government, would hear him in reference to that part of it in which his right hon. Friend referred to that noble proposition, which he used, with a kind of insinuation which was popular with a certain class of persons, "that what was morally wrong could never be politically right." His right hon. Friend proceeded in a somewhat taunting tone to ask his noble Friend who had the honour of having originated that proposition, whether he meant to pursue it into the details of legislation, and whether he would pursue all moral vices, and he instanced one or two, by a course of new legislation. The answer of his noble Friend would be this, that he would interfere wherever legislation was possible, and would stop there. The law of England interfered with respect to many private vices, whether with much or little success he would not presume to say; but the principle might be seen carried out in every police-court in the Kingdom. For himself, he firmly believed, that private vices could never be public benefits.

Mr. *Collett* said, he was opposed to all interference with the hours of labour between the employers and the employed, and therefore he had voted against the proposition of the noble Lord: and for the same reason he voted against the third reading of this Bill. For the same reason he should vote for the Motion of the noble Lord, because he considered, in the first place, that ten hours was better than twelve hours; and, secondly, that if this Amendment were carried, which he hoped it would be, it would be the means of getting rid of a very improper and pernicious Bill.

The House divided on the question that the Clause be read a second time:—Ayes 159; Noes 297: Majority 138.

List of the AYES.

Acland, Sir T. D.	Esmonde, Sir T.
Adderley, C. B.	Ewart, W.
Aglionby, H. A.	Farnham, E. B.
Ainsworth, P.	Fielden, J.
Archbold, R.	Ferrand, W. B.
Arundel and Surrey Earl of	Fitzroy, Lord C.
Astell, W.	Fox, C. R.
Bankes, G.	Fuller, A. E.
Bannerman, A.	Gardner, J. D.
Barnard, E. G.	Gill, T.
Beckett, W.	Gore, hon. R.
Benett, J.	Granger, T. C.
Bernal, R.	Grey, rt. hon. Sir G.
Bernal, Capt.	Grimsditch, T.
Blackstone, W. S.	Grosvenor, Lord E.
Blake, M.	Guest, Sir J.
Blandford, Marq. of	Halford, Sir H.
Borthwick, P.	Hanmer, Sir J.
Bradshaw, J.	Harcourt, G. G.
Bramston, T. W.	Hardy, J.
Brisco, M.	Hatton, Capt. V.
Broadley, H.	Heathcoat, J.
Brocklehurst, J.	Heathcote, G. J.
Brotherton, J.	Heneage, E.
Browne, R. D.	Henley, J. W.
Browne, hon. W.	Hindley, C.
Bulkeley, Sir R. B. W.	Hornby, J.
Busfield, W.	Howard, Lord
Butler, P. S.	Howard, hon. E. G. G
Byng, rt. hon. G. S.	Howard, Sir R.
Cayley, E. S.	Howick, Visct.
Chapman, A.	Humphery, Ald.
Chapman, B.	Hurst, R. H.
Chelsea, Visct.	Inglis, Sir R. H.
Christie, W. D.	James, Sir W. C.
Cochrane, A.	Jervis, J.
Colborne, hn. W. N. R.	Johnson, Gen.
Collett, J.	Kemble, H.
Colquhoun, J. C.	Lambton, H.
Corbally, M. E.	Langton, W. G.
Cowper, hn. W. F.	Lawson, A.
Crawford, W. S.	Layard, Capt.
Dawnay, hon. W. H.	Lefroy, A.
Denison, W. J.	Macaulay, rt. hn. T. B.
Denison, E. B.	Mc Geachy, F. A.
D'Eyncourt, rt. hn. C.	Maher, N.
Dickinson, F. H.	Mangles, R. D.
Disraeli, B.	Manners, Lord J.
Douglas, Sir H.	Miles, P. W. S.
Duff, J.	Miles, W.
Duncombe, T.	Milnes, R. M.
Dundas, D.	Morris, D.
Easthope, Sir J.	Murray, A.
Ebrington, Visct.	Napier, Sir C.
Ellis, W.	Newdegate, C. N.
	O'Brien, A. S.

O'Connell, M.
O'Connell, M. J.
Ossulston, Lord
Paget, C.
Paget, Lord A.
Palmerston, Visct.
Philipps, Sir R. B. P.
Plumptre, J. P.
Plumridge, Capt.
Pollington, Visct.
Pryse, P.
Pusey, P.
Ramsbottom, J.
Rashleigh, W.
Redington, T. N.
Repton, G. W. J
Richards, R.
Russell, Lord J.
Russell, J. D. W.
Sandon, Visct.
Scholefield, J.
Seale Sir J. H.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, B.
Smith, J. A.
Smith, rt. hon. R. V.
Somers, J. P.
Standish, C.
Staunton, Sir G. T.
Strickland, Sir G.
Taylor, E.
Tollemache, J.
Tomline, G.
Towneley, J.
Troubridge, Sir E. T.
Tufnell, H.
Turnor, C.
Vane, Lord H.
Wakley, T.
Walker, R.
Watson, W. H.
Wawn, J. T.
Williams, W.
Wilshere, W.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.

Ashley, Lord
Hawes, B.

List of the NOES.

A'Court, Capt.
Aldam, W.
Alford, Visct.
Allix, J. P.
Anson, hon. Col.
Arbuthnot, hon. H.
Arkwright, G.
Bagge, W.
Bagot hon. W.
Bailey, J.
Bailey, J. jun.
Bailie, Col.
Bailie, H. J.
Baird, W.
Baldwin, B.
Balfour, J. M.
Barclay, D.
Baring, rt. hn. F. T.
Baring, T.
Barneby, J.
Barrington, Visct.
Barron, Sir H. W.
Bell, M.
Bentinck, Lord G.
Berkeley, hon. C.
Bernard, Visct.
Blackburne, J. I.
Blakemore, R.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bowes, J.
Boyd, J.
Bright, J.
Broadwood, H.
Brooke, Sir A. B.
Brownrigg, J. S.
Bruce, Lord E.
Bruen, Col.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Bunbury, T.
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Carnegie, hn. Capt.
Cartwright, W. R.
Castlereagh, Visct.
Charteris, hn. F.
Chetwode, Sir J.
Childers, J. W.
Cholmondeley, hn. H.
Chute, W. L. W.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colebrooke, Sir T. E.
Collett, W. R.
Collins, W.
Compton, H. C.
Connolly, Col.
Coote, Sir C. H.
Corry, rt. hn. H.
Craig, W. G.
Cripps, W.
Currie, R.
Dalmeny, Lord
Damer, hon. Col.
Darby, G.
Dashwood, G. H.
Denison, J. E.
Dennistoun, J.
Dick, Q.
Divett, E.
Dodd, G.
Douglas, Sir C. E.
Douro, Marq. of
Dowdeswell, W.
Drummond, H. H.
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncannon, Visct.
Duncombe, hn. A.
Dundas, F.
Egerton, W. T.
Eliot, Lord
Elphinestone, H.
Escott, B.
Estcourt, T. G. B.
Evans, W.
Feilden, W.
Ferguson, Col.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Fitzwilliam, hn. G.
Flower, Sir J.
Ffolliott, J.
Forbes, W.
Forester, hon. G. C. W.
Forman, T. S.
Forster, M.
Fox, S. L.
Gaskell, J. Milnes
Gibson, T. M.
Gisborne, T.
Gladstone, rt. hn. W. E.
Godson, R.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Grimston, Visct.
Hale, R. B.
Hallyburton, Lord J. F. G.
Hamilton, J. H.
Hamilton, W. J.
Hamilton, Lord C.
Harris, hn. E. A. J.
Hay, Sir A. L.
Hayter, W. G.
Heathcote, Sir W.
Heneage, G. H. W.
Hepburn, Sir T. B.
Herbert, hon. S.
Heron, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Howard, P. H.
Hughes, W. B.
Hussey, A.
Huesey, T.
Ingestre, Visct.
Irton, S.
Irving, J.
Jermyn, Earl
Johnstone, H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hon. W. S.
Leader, J. T.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A.
Leslie, C. P.
Liddell, hn. H. T.
Lincoln, Earl of
Loch, I.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lyall, G.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Manners, Lord C. S.
March, Earl of
Marshall, W.
Marsham, Visct.
Marsland, H.
Martin, J.
Martin, C. W.
Master, T. W. C.
Masterman, J.
Matheson, J.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Meynell, Capt.
Mildmay, H. St. J.
Mitcalfe, H.
Mitchell, T. A.
Morgan, O.
Morrison, J.
Mundy, E. M.
Neeld, J.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
O'Ferrall, R. M.

Ord, W,
Oswald, A.
Oswald, J.
Owen. Sir J.
Paget, LordW.
Palmer, G.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Philips, G. R.
Philips, M.
Pigot, Sir R.
Ponsonby, hon. C. F. A. C.
Powell, Col.
Pringle, A.
Protheroe, E.
Pulsford, R.
Ramsay, W. R.
Reid, Sir J. R.
Ricardo, J. L.
Roebuck, J. A.
Rolleston, Col.
Ross, D. R.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, C.
Sanderson, R.
Scott, R.
Seymour, Lord
Seymour, Sir H. B.
Shelburne, Earl of
Sheppard, T.
Shirley, E. J.
Smith, rt. hon. T. B.
Smyth, Sir H.
Smythe, hon. G.
Somerset, Lord G.
Sotheron, T. H. S.
Spry, Sir S. T.
Stanley, Lord
Stansfield, W. R. C.
Stewart, P. M.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Talbot, C. R. M.
Tancred, H. W.
Tennent, J. E.
Thesiger, F.
Thompson, Ald.
Thornely, T.
Thornhill, G.
Tollemache, hn. F. J.
Traill, G.
Trelawny, J. S.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Trotter, J.
Tyrrell, Sir J.
Verner, Col.
Vesey, hon. T.
Villiers, hon. C.
Vivian, J. E.
Vivian, hon. Capt.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Welby, G. E.
Wellesley, Lord C.
Wemyss, Capt.
White, H.
Whitmore, T. C.
Wodehouse, E.
Wood, C.
Wood, Col.
Wood, Col. T.
Wortley, hn. J. S.
Wrightson, W. B.
Wynn, Str W. W.
Yorke, hn. E. T.
Young, J.

TELLERS.
Fremantle, Sir T.
Baring, H.

Paired Off (Non Official).

AYES.	NOES.
Buller, C.	Baring, B.
Butler, Col.	Williams, P.
Colville, C. M.	Follett, Sir W.
Dundas, Adm.	Hume, J.
Egerton, Lord F.	Stuart, H.
Etwall, R.	Morrison, Gen.
Howard, hn. C. W. G.	Lowther, Col.
Polhill, Capt.	Lygon, Gen.
Randlesham, Lord	Marjoribanks, S.

On the question that the words where the penalty awarded shall be more than "three pounds" be inserted at page 25, line 30 of the printed Bill, that the appeal against these convictions, shall be extended to all convictions under the Act.

Sir *J. Graham* opposed the Amendment.

Mr. *Aglionby* said, he believed that reason and argument were with his hon. and learned Friend on that occasion, but he should recommend him not to divide the House as they had that evening seen too much of what might be done by the Government in the House of Commons to encourage any Member to divide against them.

Mr. *Granger* said, he should divide the House on the question.

The House divided on the question that the words be inserted:—Ayes 124; Noes 29: Majority 95.

List of the NOES.

Aglionby, H. A.
Aldam, W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Butler, P. S.
Collett, J.
Cowper, hon. W. F.
Crawford, W. S.
Duncan, G.
Fielden, J.
Forster, M.
Gill, T.
Hindley, C.
Johnson, Gen.
Mangles, R. D.
Marshall, W.
Marsland, H.
Martin, J.
Morris, D.
O'Connell, M. J.
Pendarves, E. W. W.
Philips, M.
Roebuck, J. A.
Smith, J. A.
Stansfield, W. R. C.
Strutt, E.
Tufnell, H.
Wawn, J. T.

TELLERS.
Granger, T. C.
Duncombe, T.

On the question that the Bill do pass, the House again divided:—Ayes 136; Noes 7: Majority 129.

List of the NOES.

Bright, J.
Duncan, G.
Hindley, C.
Philips, M.
Roebuck, J. A.
Stansfield, W. R. C.
Warburton, H.

TELLERS.
Martin, J.
Collett, J.

Bill passed.

House adjourned at two o'clock.

HOUSE OF LORDS,

Tuesday, May 14, 1844.

MINUTES.] *Sat first.*—The Duke of Manchester, after the Death of his Father.

BILLS. *Public.*—1ª. Factories Bill; Edinburgh Agreement.

3ª. and passed:—Bailiffs of Inferior Courts.

Private.—1ª. European Life Insurance Company.

2ª. Newbury and Basingstoke (London and Southampton) Railway.

Reported.—Marquess of Ailsa's Estate; Thetford Inclosure; Irvine's Estate.

3ª. and passed: — Pontop and South Shields Railway; Newcastle and Darlington Junction Railway, and Tyne Bridge; Newquay Harbour and Tramroad.

PETITIONS PRESENTED. By Earl Fitzwilliam, from Scottish Central Board, for Abolishing Religious Tests in Scotch Universities. — By the Marquess of Clanricarde, and the Earl of Mountcashel, from Dublin, and 3 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland. — By Earl Somers, from Ledbury, and 18 other places, for Protection to Agriculture. — From Liverpool, and Cranbrook, against the Dissenters Chapels Bill.—By Earl Fortescue, from Tiverton, for the Adoption of a Measure for the Better Recovery of Small Debts. — From Kingsbridge, and Dodbrooke, for the Suppression of Slavery.

CASE OF MR. GRAY.] The Marquess of *Normanby* said that, in moving for the production of the Papers relative to the conduct of Mr. Gray, of which he had given notice, he felt it necessary to make one or two observations on a topic that had recently created a great and painful sensation in Ireland. No person could deny that that revolting and odious employment which was commonly called the spy system, was one that must meet with the reprobation of every good man of every country. Unfortunately the ramifications of that system had formerly spread through the lower orders in every part of Ireland; of late years, it was true, instances of its occurrence were seldom heard of. Yet there could be no doubt that the recollections connected with the existence of that system tended very much to produce disastrous effects upon the framework of society in that country. It was not his intention to advert to its probable re-introduction; but it was notorious that the system did now exist to a greater extent in Ireland than it had done for some time past. The Shinrone case, which had latterly been the subject of inquiry, showed that the system extended far and wide through the country, and demanded great vigilance on the part of the Government to check and control it. He should allude to some instances which he found in a pamphlet he then held in his hand, and must be regarded as some sort of authority, since it had attracted the attention of the right hon. Gentleman who was at the head of the Government, and was referred to by him in the other House of Parliament. It was entitled *A Cry from Ireland;* and it was there stated that, in the gaol of Kilkenny, not only were spies employed to extract information from persons under charges of a criminal nature, by placing them in the same room with those persons, and pretending to be participators in similar crimes, by which they procured evidence to be used against the parties; but it was further stated, that the system extended even to tampering with witnesses. One particular instance was given, supported by the affidavit of a boy, in which he described the process by which he had been induced to swear that he recognized a party as guilty of an offence whom he had previously denied any knowledge of. He was induced to do this, first by the promise of reward, and, next, by the threat of punishment. He (the Marquess of Normanby) hoped, as the right hon. Gentleman had quoted this pamphlet elsewhere, that it was now under the consideration of Government, and that these statements would be made the subject of investigation. As a proof that this system was not necessary for the administration of justice, he had only to refer to the evidence given before a Committee of their Lordships' House in 1841, which showed the line of conduct pursued by the Irish Government during the period of four years, from 1835 to 1839. It there appeared, that there was greater proportion of committals for offences, and a greater proportion of convictions to committals, during those four years, than at any previous period; and he defied their Lordships to find throughout the whole of that voluminous evidence a single instance to prove the use of such improper means, to procure information or conviction, as were set forth in the pamphlet to which he had alluded. But, while he condemned the system, while it must be considered as a positive evil, yet that was no reason why individual injustice should be inflicted on any party charged with participating in such offences. Such, however, was the situation of Mr. Gray. The Government refused that Gentleman any further investigation of his case, and declared that all correspondence with him must be closed. Therefore, he called for the correspondence with the Government on this subject, and deemed it right to submit Mr. Gray's case to the House. He had no acquaintance with Mr. Gray. When that Gentleman called on him, in London, he declined to enter into his case—he thought he should not be justified in receiving any information from him of which the Government were not in possession. Mr. Gray was one of the persons who were removed from the magistracy when the present Government came into office. They heard it stated in discussing the case of Mr. O'Brien the other night, that Government did not consider themselves bound to reinstate any of those gentlemen who had been dis-

missed, or to act by the rule of seniority. There was no reason to doubt that Mr. Gray's re-appointment had been considered, and refused. When that gentleman was employed in the county of Kilkenny, and when it was rumoured that he was to be removed, he received from the magistrates in all parts of the country testimonies of regret at the prospect of his removal; and a memorial had been presented to the Lord Lieutenant by the High Sheriff, signed by persons of all politics, praying that he might be allowed to remain. Mr. Gray, it appeared, laboured under this imputation—the odious system of espionage had recently acquired new force, and Mr. Gray was the person who was supposed to be the concoctor and originator of that system. Now, what were the facts on which this accusation rested? Two men were arrested, in the month of November last, in the town of Thurles, for hawking a seditious pamphlet or ballad, which was entitled *The Tories Downfall.* He never saw the ballad, and he was consequently not aware whether it was objectionable in its execution or in its topic; he did not know whether it embodied one of those fantastic prophecies which his noble and learned Friend last night spoke of as leading to their own fulfilment in future; but at any rate the ballad was considered to be very seditious, and it appeared that the singers were arrested on the charge of singing a seditious ballad, and Mr. Jennings, the sub-inspector of the constabulary, suggested in his report that they should be tried at the Quarter Sessions of Thurles then going on. On this the Government applied to the Attorney General for his opinion. The Attorney General stated, in his opinion, that the ballad was very seditious; and it was quite right to arrest the parties in such a case, and to commit them in default of bail, and that his only doubt was whether they should be tried at the Quarter Sessions or the Assizes, but that if the Jury at the Quarter Sessions would do their duty, there could be no doubt that it would be right to try there. He would not then dwell on the slur thus thrown upon the juries of Tipperary; he would only observe, that the result was, that neither Mr. Gray nor sub-inspector Jennings thought fit to go on with the prosecution at the Quarter Sessions, thinking that they were bound by the opinion of the Attorney General not to proceed at the Quarter Sessions. What was the end of this? These two persons, who were taken up in the streets of Thurles, were to be confined in gaol till the ensuing spring Assizes. The injustice of such a proceeding seemed to have struck Mr. Gray, and not wishing to strain the law so as to operate unnecessarily hardly upon the accused, he wrote to the Castle, saying, that he begged to submit that Osborne, a ballad-singer, who had been committed for singing a seditious ballad at Thurles, and was confined there for want of bail, had expressed his willingness to give information respecting the printer of the ballad, and he begged to be instructed whether, under these circumstances, the prisoner might be set at liberty on his own recognizances, and whether his testimony would be sufficient to convict the printer of the ballad, a man named Moran. The Law-adviser of the Lord Lieutenant, Mr. Brewster, sent the following reply:—

"If proper measures were taken, I cannot doubt but that similar ballads to those in question might be purchased from Moran, and then he could be prosecuted quite independent of Osborne's evidence. I see no reason why Osborne should be discharged, whether he is to be prosecuted or received as a witness. The best course will be to keep him in gaol unless he can obtain bail.

A, BREWSTER."

"Nov. 15, 1843.

Accordingly, from the 7th of November until the spring Assizes the man had been left in gaol. But what was Mr. Gray's share in this part of the business? On the receipt of this opinion of Mr. Brewster, Mr. Gray consulted with Jennings what steps it would be proper to take, and Mr. Gray's statement as made to the Government was this, that sub-inspector Jennings thought that a sub-constable should be sent in disguise to Moran's house to purchase copies of the ballad; that he (Mr. Gray) objected to this, but being told that it had been done before, he left Jennings to give his own directions to the sub-constable. Jennings accordingly gave directions to sub-constable Michael Falvey, who went in disguise to Moran's, taking with him a manuscript copy of the ballad; for it appeared that only two copies of it had been found on the parties arrested at Thurles, both of which had been sent away, one to the Castle, and the other to the Inspector General. That was the reason why the sub-constable took with him a manuscript copy. Well, Falvey went to Moran's house, saw Moran, and asked him if he had any copies of the ballad called *The Tories Downfall.* He replied

he had not; on which Falvey showed him the manuscript copy. He said, on seeing it, "Oh, this is what you got from Osborne," and then set to work and printed a number of copies, which were paid for and taken away by Falvey, and were sent by him to Jennings. On this, upon an information laid by Falvey, Mr. Gray issued his warrant; on which Moran was arrested and committed. This having been done, Mr. Gray reported to the Government; but in stating what he said, he (the Marquess of Normanby) begged their Lordships to observe, that Mr. Gray gave no directions to sub-inspector Jennings. Jennings himself stated, that the directions were given by Jennings to Falvey. All the directions passed through Jennings. Mr. Gray gave no directions. In his Report of the matter to the Government, dated November 31, 1843, Mr. Gray said:—

"I beg to state that, conformably with Mr. Brewster's advice with reference to the case of Osborne the ballad singer, and John Moran, the printer of the ballads, already stated in my communication of the 14th instant, I committed John Moran to prison yesterday, in default of bail, upon the information of sub-constable Falvey, whom I sent to Moran's printing-office in Cashel, disguised as a ballad singer, when Moran sold him one shilling's worth of the ballads entitled *The Tories' Downfall*, for the purpose of singing and publishing them. I beg to add, that I believe Falvey to be an active sub-constable, and entitled to some consideration. The bail I required from Moran was two sureties of 25*l.* each, and himself in 50*l.*"

This was the Report of Mr. Gray to the Government. It thus appeared that Mr. Gray gave no direction to Falvey, but the instructions were given to him (Falvey) by Jennings. It was true that Mr. Gray saw the head-constable Foot, but he was not present when the sub-inspector Falvey received his instructions. This was a point to which he wished to draw the attention of their Lordships, that no instructions whatever were given by Mr. Gray to the man who purchased the ballads, but that everything passed through the sub-inspector. The sub-inspector made a Report to the Inspector General, stating that, "having ascertained from Osborne that a man named Moran, living in Cashel, was the printer of the ballad, he (the Inspector) sent Falvey in the disguise of a ballad-singer to Moran, who sold him eighteen dozen of ballads, who also sold some similar ones to Osborne on the same night. That Falvey's information to this effect had been sworn before Mr. Gray, who had committed Moran for trial at the Assizes at Clonmel. Now their Lordships would remark the sub-inspector said, he sent the sub-constable to Moran's house; there was no mention of orders from Mr. Gray; nor, as he inferred, was there any mention of any such thing in the sub-inspector's Report to the Government. Mr. Gray's recollection was, that such a thing was never mentioned by him to Jennings. Jennings claimed at the time to have done it himself: he sent sub-constable Falvey, he said; afterwards he stated that he could not tell who first suggested the thing. That was strong evidence; but there was this further evidence, that Falvey (who, their Lordships would observe, had not been touched or dismissed, but was still retained in the constabulary, whilst Mr. Gray was removed from his situation in the magistracy) declared that no such instructions were ever given him. How then could Mr. Gray instruct the sub-constable to do as he had done, since Falvey himself distinctly stated that he was not instructed by any one? The whole affair was most extraordinary, for sub-constable Falvey's evidence distinctly bore out Mr. Gray's recollection, that he gave no such instructions, and proving that he acted, as he had done, on his own responsibility, yet Mr. Gray was dismissed the magistracy, while Falvey was retained in the constabulary force. He now came to the share of the Government in this transaction. The Government received their two Reports on the subject on the 30th of November last; the Government, from the first, instructed the parties in the country; if the Government had not so instructed them the prisoners would have been tried at the Quarter Sessions; but the Attorney General having thrown a doubt on the juries of Tipperary, Mr. Gray, who did not wish that they should remain in gaol, suggested that they might prosecute the printer if they could give the evidence of Osborne against him; and he asked to be allowed to avail himself of the evidence of Osborne accordingly. Mr. Brewster said, no; but that, if proper measures were taken, he had no doubt they could procure copies from Moran. He did not explain what those measures were; and how were the parties in the country to explain what he meant, except by supposing they were to do what they thought fit in the matter? Then, it was manifest a policeman could not go, as a policeman, to

obtain the copies of the ballad; he must be sent in some other character. Well, then, a policeman is sent to the printer, and the printer having no ballads by him, Falvey, the policeman, on whom no blame or suspicion rested, as this vigilant Government did not dismiss him from the force, stated, that he (the printer) offered to print them for him, and did print them in his presence. How, therefore, that could be said to be done by directions from Mr. Gray, he (the Marquess of Normanby) was at a loss to understand. Let it be remembered that the Government had in their possession both the Report of Mr. Gray and the Report of sub-inspector Jennings on the 30th of November, and were consequently then aware of all the main facts of the case, and he must say, he thought it would appear to be a great confirmation of the statement of Mr. Gray that he had no such intention as that the person who went to Moran's should take a manuscript copy of the ballad with him, and get it printed in his presence, that he (Mr. Gray) made no mention of any such intention on his part in his Report to the Government. The fact was, Mr. Gray did not give directions about the matter. But what were their Lordships to say of the Government, if the printing of the ballad was so very wrong? why did they take no notice of its having been done in the presence of their own officer? The Government knew as much of the facts on the 30th November as they did now. The late Mr. Drummond, in his evidence before their Lordships' Committee on the administration of justice in Ireland a few Sessions ago, stated the course of practice in Ireland to be, that reports were daily sent by the Inspector-General of the Constabulary to the Chief Secretary—that the most important of them were selected by the Chief or Under-Secretary, and brought before the Lord Lieutenant and sent back to the Inspector General, with such remarks as were needful. Now, Mr. Brewster having asked for more papers on the 6th of December, the report in this case was not sent back until the 12th of December. So then the blame rested on the Under Secretary; for that the Inspector General did send his reports to the Castle regularly, he (the Marquis of Normanby) knew ["Hear, hear," from Lord *Fortescue*], and that Gentleman, by the impartial discharge of his duties, had gained the respect and esteem of all parties. Well, the answer from the Castle, on the 12th of December, was "No further directions in this case." Now, what construction could Mr. Gray put upon that answer, but that his previous conduct had been approved? Therefore, from the time these unfortunate men were committed to gaol till the time of their discharge owing to the Government refusing to prosecute them, a period of four months, Mr. Gray had no reason to suppose that he had not faithfully fulfilled all the directions he had received from the Castle. In the two reports to which he had already referred, all the facts of the case had been made known to the Government. What excuse, then, had the Government for proceeding as they had done with respect to Mr. Gray, only when the facts had become matter of general remark and observation? He thought Mr. Gray and the people of Ireland had reason to complain that the intentions of the Government were not manifested sooner. The man Osborne had also, he thought, reason to complain that he had been kept four months in prison and no notice taken of his case till the public began to make comments on it. But this was not all. When Mr. Gray was called upon by the Government, he submitted a statement of the whole matter to the Lord Lieutenant, and prayed for a re-hearing, which was refused, and he must say that he thought it hard that a person should not only be dismissed in this way from an office to which he looked for the means of support, but also be subject to obloquy among the public as having originated a scheme of this nature for entrapping a person into an offence against the law. For his part, he would not believe that Lord de Grey had ever seen these papers. If he had seen them it could not but have struck him at first, as it must have struck the public and their Lordships, that there were improprieties in the way of getting at these ballads; and he would add that he thought it most unfortunate that Lord de Grey should not see these things; that noble Lord had once declared in their Lordships' House, that he did not read the newspapers, but surely he read the reports of the Inspector General. It was invariably his (the Marquess of Normanby's) practice to do so, and he would put it to the noble Lord who had served on the Committee which he had already mentioned, and in which a good deal of desire was shown to scrutinise minute matters, even down to inquiring into conversations of his with his Secretary, whethey they did not see by his signature on papers of this kind, that they had been seen by him? Without meaning to reflect upon Mr. Brewster, he would say

that he thought this looked something like the old way of managing these matters, and that it would be better that the Lord Lieutenant himself saw all papers of this kind. He submitted to their Lordships that it was wrong that these Papers should have been four months before the Government before so extreme a step was taken as that of dismissing a Gentleman from the Magistracy. He had need to apologise for having addressed them at so much length, but when the character and prospects of an individual were concerned, although he might not be acquainted with the individual, he could not help coming forward and exposing a mode of dealing with matters, relating to the administration of justice, which he considered to be an injudicious system to act upon, because it was unjust, and when on those grounds he had found it necessary to extend his observations to some length, he was sure that he should be excused by their Lordships for doing so. The noble Marquess concluded by moving for the production of the Papers.

The question having been put,

Lord *Wharncliffe* said, that as an attack had been made on the Government, and on Lord De Grey, for the dismissal of Mr. Gray, he was there to answer it, and he thought he should be able to show that neither the Government nor Lord de Grey was to blame in this matter, and that Mr. Gray had no claim to the sympathy of the House. The circumstances of this case had undoubtedly been detailed with great accuracy by the noble Marquess, and it was undoubtedly true that Mr. Brewster gave directions that means should be taken to purchase copies of this ballad from Moran, who was the printer of it, according to the information of Osborne. His noble Friend said, that when Osborne gave that information, Moran might have been taken and tried upon it. But when Osborne volunteered to give his evidence, he was very much in the situation of an approver, and his noble Friend must admit that such evidence was not of the best, and that it ought not to be relied on if other evidence could be got by fair and proper means. His noble Friend seemed to think that the whole accusation turned on the question, whether Mr. Brewster gave any directions that such evidence should be obtained; but it, in truth, turned on the question, whether proper means were used to obtain it. Mr. Gray thought, that in the means which he took he did not go beyond the line of his duty. But how happened it that a policeman was sent to Moran's house, disguised as a ballad-singer, and having in his pocket a manuscript of the ballad, with directions that in case Moran should have printed copies of the ballad ready he should buy them, and not produce the manuscript; but in case he had none, to get him to print the ballad? This appeared in the minutes of evidence taken before Mr. Martley, the Queen's Counsel, who was employed by the Lord Lieutenant to examine into this case. The following was the evidence of Subconstable Michael Falvey:—He said that he was sent to Cashel to Moran's house, to get copies of the ballad called the "Tories' Downfall," with a manuscript copy of it in his pocket, but with directions not to produce it till he should ascertain whether Moran had any copies or not, and if he had not, then to produce it in order to get copies printed from it; the witness further deposed, that when Moran read the manuscript he asked witness whether he got it from Osborne? Falvey said he had: upon which Moran said, he would print some, and he did so in presence of the witness. That was a very different case from merely sending a person to Moran's house to purchase copies of the ballad, which was a thing done every day in this country without an objection. Mr. Gray did not say that he never gave Falvey any such directions, but merely that he did not recollect them; but Falvey said that he told Mr. Gray all that had occurred, and Mr. Gray reported the case to the Castle, and never mentioned the circumstance of the manuscript. The whole gist of the accusation depended on whether this manuscript was sent to Moran to get copies printed from it. The accusation was, that the Government employed a policeman and furnished him with this manuscript which he was to get printed, and then prosecuted this man for printing it. He (Lord Wharncliffe) was sorry that he could not acquit Mr. Gray of blame in the matter; for he did not deny that he gave those directions, but only said that if he did, it had escaped his memory; but Falvey swore positively that, in the conversation which took place before he set out, between him and Jennings and Mr. Gray, Mr. Gray gave the directions to take the course which he pursued; and Foot, another policeman, swore he was sure that Jennings and Gray were in the room together at the time of the conversation, but he was not sure that he heard the conversation. Mr. Gray reported the case to the Castle, but never mentioned this manu-

script at all—but Mr. Jennings, in his Report, mentioned it in this way, "I have to state in continuation of my Report of the 4th instant, that this man purchased from Moran eighteen dozen copies of this ballad, which was printed by Moran in his presence." It would be observed, that he did not make any mention that a manuscript was produced from which the ballad was printed. That was, in point of fact, the gist of the accusation against Mr. Gray. In the inquiry before Mr. Martley, Jennings said, that he and Gray consulted together, and they decided that they would send a police-constable to Cashel with this manuscript, and if he found no printed copies in Moran's hands, he was to get him to print it from this manuscript. Then Foot said, that he came into the room afterwards, and received the directions from either of the parties, Gray or Jennings. Next, they had the fact, that Foot stated that he did as he was directed—that he got the copies printed from the manuscript; the moment he returned from Cashel, he told Mr. Gray all that had passed, and laid an information before Mr. Gray against Moran. He held in his hand a copy of Mr. Martley's Report on this subject. It was not his intention to refuse the papers asked for by his noble Friend; but he should be surprised if it turned out that the House should think that Mr. Gray was improperly dismissed. It appeared to him that it was the duty of the Lord Lieutenant, when he discovered any circumstances in the conduct of those under him, whether Stipendiary Magistrates or Police Inspectors, by which they justly forfeited his confidence, immediately to dismiss them. Lord De Grey, after receiving Mr. Martley's Report, dismissed Mr. Gray. Mr. Gray wrote to know why he was dismissed, and was informed that it was in consequence of Mr. Martley's Report. Mr. Gray then begged to have a copy of the Report, but the Lord Lieutenant replied that he did not think him entitled to it, but that after a full inquiry he was satisfied of the propriety of the course he had pursued in dismissing him. He (Lord Wharncliffe) was quite sure that his noble Friend would do him the justice to believe, that he was incapable of attempting to entrap a person into crime by manufacturing evidence against him, and that he had as great a wish as his noble Friend could have to maintain the administration of justice in a state of purity. His noble Friend reflected on the conduct of the Government, and said that Osborne had been kept in prison for a length of time. That was no uncommon case. There was no intention to prosecute him; but it did not follow that his evidence would not be used, and it was no uncommon case to keep an approving witness in gaol until his evidence was required. With respect to Moran, it was true that he had been kept in prison six or seven months, but Government had no idea that the evidence had been procured in the way which he had just stated; and it was not till Mr. Scott, the Crown prosecutor on the circuit, discovered the character of the evidence, that it was brought to the notice of the Government. Mr. Martley was immediately employed to inquire into the circumstances, and was satisfied that they had been correctly stated, and therefore he did not see what blame could be imputed to the Lord Lieutenant. In conclusion, he would say that all the Papers in this case which his noble Friend wanted would be at his service; but he protested against that being made a precedent for calling for similar papers on a future occasion.

The Marques of *Clanricarde* said that, on looking at the instructions which Mr. Gray received from Mr. Brewster, it was only fair to attribute his crime or error to a want of judgment and an excess of zeal. The noble Lord had laboured to throw blame on Mr. Gray, but failed to exonerate the Government. He had not the honour of Mr. Gray's acquaintance, but he regretted the character that the Government must bear when this case was made known to the people of Ireland. He regarded all party questions as subordinate to the great question of giving confidence to the people of Ireland in the administration of justice, which it had been the object of every Government for the last twenty-five years to inspire. When did Mr. Martley go down to institute this inquiry? It would be seen by the reports of Gray and Jennings, that the ballad was printed in the presence of sub-constable Falvey so early as the 30th of November. The man stated that he stood by during the printing of this ballad, but the types must have been set up before he went in. [Lord *Wharncliffe*: Why, then, did Moran want the manuscript at all?] He was only arguing from the narrative of the noble Lord. If Moran set up the type and printed off eighteen dozen copies of this ballad while the policeman was standing by, and if he was his own compositor,

printer, and devil, he must be a very clever man indeed. But whether the types were set up or not, the Government reserved their indignation from the 1st of December to the 20th of April. His noble Friend said, that the Gentleman who prosecuted on the part of the Crown sent up word that the case would not do, but from the newspapers it appeared that when the case was called on there was no prosecution, on which, not Mr. Scott, but another gentleman, stood up and arraigned the conduct of the Crown; and in consequence of his strong speech, violent articles appeared in the newspapers, and it was then, and not till then, that the Government thought proper to institute an inquiry, the people considering, of course, that it was in consequence of the speech of the counsel, and to put the blame on Mr. Gray, and to dismiss him, and reduce Mr. Jennings. That was very unfortunate, for the people in Ireland thought, that if the lawyer had not denounced the proceeding, Mr. Gray would have been continued as a stipendiary magistrate. Their Lordships must know, that that was not the only case which had arisen in the same neighbourhood. The confidence of the people in the Administration of justice must be shaken, if such things were allowed to continue. His noble Friend, in throwing the blame on Mr. Gray, had not explained how it happened that from the 30th of November to the 20th of April no notice was taken of the matter by the Government. There were other matters which must be laid before Parliament and the country in detail; he alluded particularly to what had taken place at Shinrone—it was impossible that that could be passed over in silence. There was no part of the duty of the Government so urgent as that which was imposed upon them—viz., to keep a strict watch over the police force. That force was wholly and entirely different from anything in this country—it was more assimilated to the police force of foreign countries. It was an admirable, an excellent, and a useful force in Ireland when it was well governed, but if it were not strictly watched it would soon reduce Ireland to a state that would render it intolerable as a place of residence. He must say, that to his mind the defence which had been made for the Government was far from being a satisfactory one.

Earl *Fortescue* said, as the noble Earl did not object to produce the report of Mr. Martley, he would not trouble their Lordships at any length on this subject; when the report was produced there would be a better opportunity for discussing the merits of the case, and till then he would simply entreat their Lordships to suspend their judgment upon Mr. Gray's conduct. He would content himself with observing that Mr. Gray, whom he had never seen till that morning had then made a statement to him in some points directly contradictory to that of his noble Friend opposite. Mr. Gray distinctly stated to him (Earl Fortescue) that he had given no instructions whatever either to sub-inspector Jennings or to the constable Falvey to get any of the ballads printed. Their Lordships would recollect that it was no part of Mr. Gray's intention to have gone at all to the printer for the ballads. The steps he took on that matter were in consequence of the opinion of the law adviser of the Crown, Mr. Brewster; it was upon that opinion that he became a party, to the extent to which he was so, to the course pursued. The course which he had himself suggested, was to avail himself of the evidence of Osborne against Moran, and on that evidence to send a search warrant to Moran's house, where, he had no doubt, but that copies of the documents would have been found. He must say, also, that it appeared to him, according to his noble Friend's own showing, that most unequal measures of justice or rather injustice, had been dealt in this case by the Government, who, while they had dismissed the Stipendiary Magistrates, reduced, but did not cashier the officer who had given the instructions to the constable. He trusted that when the report was produced, the case would receive at the hands of their Lordships, a thorough investigation.

The Earl of *Wicklow* was very sorry that the noble Earl had not himself adopted that same course which he had counselled their Lordships to take—viz., refrain from making any attack upon any party in respect of the case until the papers were laid on the Table, the more so, as it appeared from the statements on both sides that they were absolutely necessary before their Lordships could form any judgment in the case. He had not previously heard a single word of the affair, but from what he had heard that night, it appeared to him that there was in reality very little difference in opinion between the noble Lords on either side of

the House upon it. The question in reality was, was the gentleman guilty of having given these instructions or not. In order to consider that question fairly, it was to be borne in mind that his discharge took place upon the report of a Queen's counsel, who had investigated the whole case. The Government had confidence in that gentleman, and until his opinion and the evidence on which it was founded were laid before the House, it was impossible that they could discuss the question with either advantage or satisfaction. He would just add, that had this been a Conservative magistrate—one appointed by Her Majesty's present Government—and had they not discharged him on such grounds as they had now acted upon, he could easily conceive the number of Motions for papers and complaints of unfairness their Lordships would have heard. But what was the accusation now made against Government? That as soon as a culpable act had been detected the culprit was dismissed. But, the fact was, that this gentleman was a protegé of the noble Earl opposite, and was under his patronage; the present Government re-appointed him, but finding him guilty of this impropriety, they immediately dismissed him. He confessed that nothing that had been alleged in the slightest degree induced him to believe that the Lord Lieutenant had done anything but what he was bound to do. When the papers were produced it was possible, though not probable, that this gentleman might be found not to have been culpable. If that should happen to be so, he believed Her Majesty's Government would themselves admit that injustice had been done to that gentleman. The noble Earl said it was most unjust that the magistrate should have been dismissed, and the sub-inspector only degraded. From that opinion he totally dissented. Nothing could be more unjust than to say that the subordinate officer acting under the direction of the magistrate should be subjected to an equal degree of punishment with the magistrate himself. He was bound to say, that he did not think anything had been adduced to justify the aspersions cast upon the Government.

The Earl of *Winchilsea* said, it was very unfortunate, but it appeared as if Her Majesty's Government in Ireland could not do anything, however trifling, without incurring the displeasure of the two noble Marquesses opposite. From what he had heard stated that night by his noble Friend the President of the Council, he was prepared to say that, in his opinion, the Government had acted at as early a period in the affair as they possibly could do. [*Hear, hear.*] Yes, he did maintain that he was correct, because it appeared clearly that the whole matter was only brought under the notice of Government by Mr. Scott, and immediately a full inquiry was ordered into the whole matter. It was only when he went down to prosecute, that he found out the unwarrantable manner in which the ballads had been obtained. Mr. Gray had been guilty of a grave offence in concealing these facts from the Government; he never made mention of it in his Report to the Lord Lieutenant, although he admitted that he knew of the facts. Even for that he was most deservedly punished. However, he (Earl Winchilsea) would suspend his judgment until the papers were produced. [*Laughter.*] Yes, he would suspend his judgment till then, for he had more fairness than the noble Marquesses opposite, whose sole object appeared to be to render the Government as odious in the eyes of the people of Ireland as they possibly could. It was a most mischievous course considering the state in which the country was. Taking the lawless state in which her population lately were into consideration, it was the duty of every well-wisher to his country to strengthen the hands of those who were charged with the preservation of the peace, so long as they acted in the spirit of the British Constitution.

The Marquess of *Clanricarde* did not believe that it was necessary for him, certainly not for his noble Friend near him (Lord Normanby), to appeal to the people of Ireland to judge as to who were their Friends. He had not for a moment disguised that, in what he had said, he meant to attack Her Majesty's Government. The noble Lord the President of the Council had not satisfied him that the Government could not have interfered long before. The dismissal ought to have taken place at least four months sooner than it did. He was not yet convinced that the Government were not in possession of evidence sufficient to justify the dismissal of that man on the 1st of December, as well as after the assizes, when the whole affair had come before the public, and outcries were heard on all

sides against their supineness and connivance.

Several of their Lordships rose, and contended for their right to speak, but

The Duke of *Buccleuch* saying that he spoke to order, the others resumed their seats. He had not risen to order when the noble Earl on his side of the House spoke, because he had only made one speech, and he had a perfect right to do that upon any Motion brought under their Lordships' notice. But it was extremely unfortunate that many of their Lordships were not content with one, two, or three speeches; and if these angry disputes were to go on upon matters on which it was evident some of their Lordships had only an imperfect knowledge, and some none at all, why, some of their Lordships would be making 16 speeches. He thought it highly expedient that this conversation should drop, and if any order was ever to be attended to in the House, it should be the one against noble Lords carrying on a conversation and speaking to each other at least a dozen times.

The Marquess of *Normanby* contended that it was not proper language, to say of his noble Friends that they were no friends to Ireland. If the noble Lord was of that opinion he ought to have taken a more orderly and convenient mode of expressing it. His noble Friend did perfectly right to rise to protest against such an opinion of the noble Earl. He said they were no Friends of Ireland because they rose and attacked what they considered wrong in the conduct of the Irish Government. In spite of the denunciations and tone of the noble Earl he should continue to do that, even though the noble Earl should pay another visit to Ireland—even though he should try a share in the Government where he was remembered by sounds, not as articulate perhaps, but possessing as much meaning as anything which he had addressed to the House to-night. He meant the Kentish fire.

The Earl of *Winchilsea* said, that he should avail himself of every opportunity of speaking his opinion in reference to any individual. He was not aware that the debate had closed. As to his visit to Ireland, he had had great pleasure in paying a visit to Ireland; and he was very much pained with many things and pleased with others. As to the impression he had left in Ireland, he trusted that that impression was not an injurious one.

Motion agreed to.

Her Majesty's Ship Queen.] Earl *Minto* rose to move for Returns of the number of days during which Her Majesty's ship *Queen* had been at sea and in port, from the time she arrived in Malta to the latest period at which accounts had been received at the Admiralty. He did not know whether the Returns would be objected to. [The Earl of *Haddington*: I certainly do object. I do not mean to give the Returns.] He would state what his object was in asking for these Returns. Her Majesty's ship *Queen* was a three-decked ship, of a new, and he hoped of an improved class, and was expected to become a model upon which the first-rates of the fleet might very probably hereafter be built, several having been ordered to be laid down upon her plan. Such being the case, it was of infinite importance that the qualities of the ship should be as decidedly and early tested as possible, in order that her merits or defects might be known, and that it might be seen whether she was such a model as it was expedient to build from afterwards, whether there were any faults which it was expedient to correct, or whether it was desirable to resort to an entirely new class of ships. An impression did prevail in the naval service that sufficient opportunities had not been taken to try the qualities of the ship; she should have been tried in all kinds of weather. She was the flag-ship, and every opportunity should be taken of exercising the fleet in those evolutions of which there were so few opportunities, and of which the officers had so little experience. He held that the squadron in the Mediterranean was most usefully employed. The great expence attending the maintenance of such a ship was very well bestowed in the experience it might be the means of communicating. There were thirty or forty young officers serving on board this ship, who were likely to serve one-half of their time at least on board, and he would leave their Lordships to judge what sort of officers they would become if the greater part of their time was passed, where this ship was supposed to have been, in Malta harbour. He might be mistaken. This ship might have been at sea as long a time as was necessary to exercise the superior officers in the evo-

lutions of the fleet, and to give the juniors some experience of their profession; but his impression was, that that had not been the case, and for that reason he moved for these Returns, which would have shown how much of the time of the ship had been passed in harbour, and how much at sea. He wished to guard himself from the suspicion of imputing blame to the very able and gallant Officer, the present Commander-in-Chief in the Mediterranean. The communication between the Mediterranean and the Admiralty was so constant and so easy, and rapid, that he held that whatever system was observed there with regard to the fleet, or any portion of the fleet, was the system prescribed by the Admiralty, and not the system of the individual officer. He was at a loss to know on what ground the noble Lord declined supplying this information. If, however, he thought it would be an inconvenience to the public service he would not press for its production.

The Earl of *Haddington* did not rise to offer any opinions contrary to those stated by the noble Earl as to the great usefulness of trying important ships in the Navy, and of making the Mediterranean squadron a means of exercising the officers and men. This ship had been sufficiently tried to draw from the gallant Admiral the expression that he considered her a perfect man-of-war. At the same time he wished it had been possible to try her qualities more than they had been, although they had been tested to a greater degree than his noble Friend supposed. She had been sent out not merely on a holiday cruise; she was tried against the *Formidable* on her way out, and she had been at sea two or three times for a considerable period since she had been in the Mediterranean. The last time she was sent out to be tried against the *Vernon*, but the ships were separated by a tremendous tempest, and their respective capabilities had therefore not been tested so fully as had been hoped. He was sure the noble Earl would admit, that the gallant Admiral went himself with every desire to give every possible trial to this ship, and he was aware of the desire of the Admiralty that that should be done. But the noble Earl must be aware of the position of the Admiral, especially in the state in which the shores of that sea had been ever since Admiral Owen had been there. It put it out of his power to go to sea when he wished. His attention was constantly directed to the events in Greece, Syria, Spain, Tunis, and he was obliged to keep his ships in such a way, as to have it in his power to send any ship to any quarter which the exigencies of the public service might require. Latterly, from the continuance of peace, Government had thought it inexpedient to keep up as large a force in the Mediterranean as they were obliged to maintain the first year after they came into office. Last year there were not more than three or four line-of-battle ships, and the presence of the Admiral at Malta was almost constantly necessary. The Return now moved, for would be an imputation on the conduct of the Admiral, for which he thought his noble Friend had made out no case whatever. He repeated that it was the duty of the Admiralty to see as far as possible, that the ships were properly tried, and this ship had been a great deal more tried than the noble Lord seemed to have imagined.

Earl *Minto* thought, that the reasons assigned for refusing this Return were extremely insufficient; it showed that the returns would show that blame was to be imputed somewhere. He inferred, from the speech of his noble Friend, that the ship had really been passing the greater part of her time in port. According to the sailors' expression, she laid in Malta harbour till she almost grounded on her beef-bones. He contended that the gallant Admiral had not taken opportunities of keeping the fleet at sea for the purpose of trying the qualities of the ship, which it was desirable should be more tested than it had been.

Motion negatived.

RAILWAYS.] Earl *Fitzwilliam* said, he was desirous that there should be a message sent to the other House of Parliament, to request they would communicate the reports which might have been made to them by the Committee they had appointed to inquire into the subject of Railways. If his view of what had passed in that Committee were correct, his opinion was, that their Lordships would not be thereby precluded from pursuing their own course. If they wished to protect the property of the country, and were desirous of promoting the extension of communication, they must do something more than acquiesce in the proceedings of the Committee of the other House of Parliament.

He thought that their Railway Companies were parties over whom the House ought to exercise vigilant superintendence and control. The contest which was generally carried on under the present system was very expensive and very tedious, and he thought that the Government should turn their attention to it with a view of rectifying the evil.

The Earl of *Dalhousie* said, that it would no doubt, be recollected that at the commencement of the Session the Government had entirely concurred in the necessity of taking this subject under their especial consideration. The Member of the Government who had more particularly taken this department under his control had given notice for the appointment of this Committee on the very first day of the Session, for which he had subsequently moved. That Committee had continued up to the present time investigating the matters that came before them. They were now very far advanced in their inquiries, and their final report would be very shortly laid upon the Table of the House. If the noble Earl was determined on moving for the report which had been already agreed to, he could of course do so; for there could be no harm in taking such a course, except, that the Motion would have to be renewed when the labours of the Committee were completed. The noble Lord could have the report, as far as it had gone, if he wished.

Earl *Fitzwilliam* expressed a wish to have such report immediately.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, May 14, 1844.

MINUTES.] NEW WRIT.—For Kilmarnock, etc. Burghs, *v.* Alexander Johnston, Esq., dec.

BILLS. *Public.*—1°. Forestalling, etc.; Smoke Prohibition.

2°. County Rates, etc.

Private.—2°. Lakenheath and Brandon Drainage.

3°. and passed:—European Life Insurance and Annuity Company.

PETITIONS PRESENTED. By Mr. S. Crawford, from Taunton, Southwark, and Tower Hamlets, for Extension of the Franchise; and from Leeds, and Leinster, for Universal Suffrage.—By Mr. Fox Maule, from Scotland (19), and Sir J. Mactaggart (2), against Dissenters Chapels Bill.—By Mr. S. Crawford, and other hon. Members (7), in favour of same.—By Sir J. Mactaggart, from Wigtown (2), for Legalizing Presbyterian Marriages (Irelaud).—By Sir G. Strickland, from T. Billington, respecting Roman Catholic Endowments.—By Mr. Ord, from Newcastle, for Inquiry into the Universities.—By Mr. H. Baillie, from Abertarff, against Abolition of Tests.—By Mr. Maunsell, from Northamptonshire (10), against Repeal of the Corn Laws.—By the Earl of Arundel, from Sussex, for Repeal of Stamp Duty on Hailstorm Insurance.—By Mr. H. Smythe, from Essex, for Alteration of Law of Arson.—By Mr. Wawn, from South Shields, for Reduction of Duty on Marine Insurances.—By Mr. Wyse, from Artists, for Encouragement of Art Unions.—By Sir G. Strickland, from John Beetham, complaining of Injury.—By Mr. Wilson Patten, from Lancashire (4), against County Courts Bill.—By Mr. Maunsell, from Peterborough, for Alteration of same.—By Mr. Cardwell, from Preston, and Mr. Eaton, from Cambridge, for Inquiry into Chancery Compensation.—By Viscount Clive, from Montgomeryshire, for Local Courts.—By Mr. E. Turner, from T. Good, for Medical Reform.—By Mr. Fuller, from Ticehurst, for Alteration of Poor Law.—By Mr. Trotter, from Epsom, against Exempting Workhouses.—By Viscount Ingestrie, from Capt. Dickinson, for Inquiry (Ship Thetis).—By Mr. Trotter, from Kew, Richmond, etc., in favour of Small Debts Bill.

PRODUCTION OF HAND BILLS.] Mr. *Ferrand* having alluded to the Handbill from the Colliers quoted last evening by the right hon. Baronet, the First Lord of the Treasury, asked whether he had any objection to produce it, and lay it on the Table?

Sir *R. Peel* replied, that it was a mere Printed Handbill, which he could not lay on the Table; but, if the hon. Gentleman wished to have a copy for the purpose of debate, he (Sir R. Peel) would take care to furnish a copy.

REFORM OF PARLIAMENT.] Mr. *S. Crawford* having presented numerous Petitions for extension of the Suffrage, to secure the free representation of the people. As he had entered fully into this subject when his Motion was before the House on a late occasion, he would not long detain the House. The great principle of representative Government was, that some men were entrusted with the natural rights of others to exercise for their benefit. In principle, he contended for Universal Suffrage, although it must necessarily be in some respects limited. Every man ought to have a share in the appointment of those who made the laws, which he was bound to obey, and the natural rights of men must be limited only by the public good. He maintained, therefore, the principle of Universal Suffrage, only limited by such regulations as, in some cases, the manifest good of the community required. The principle for which he contended was, Manhood Suffrage, and the Bill he sought to introduce would declare that all males, twenty-one years of age, should be entitled to a vote for Members of Parliament. This right, however, he would limit by Registration Laws, which would confine the exercise of the Franchise to those who were residents

for a certain length of time in certain districts, a restriction which he believed to be required by the common good of the community, and for the safety of the State itself. He would, also, exclude from the Franchise all those who were under sentence by verdicts of their countrymen, and he would also, of course, exclude all such persons as were not of sane mind; but his object would be, that no class of the community should be excluded as a class, and he would make all subject to limitations, which would equally affect all classes. The advocates of the complete representation of the people thought that, although there might be Universal Suffrage, there could not be full, fair, and free representation unless the electoral districts were equalized. If a district having one hundred voters, returned as many Members as another district having 1,000 voters, it was impossible to say, that there was a fair representation of the people. Another essential principle in the Bill he now sought to bring forward, was the introduction of the Vote by Ballot, for he considered it would be utterly impossible that an extended suffrage could work satisfactorily without the Vote by Ballot, and at the same time he was of opinion, that the Vote by Ballot was not safe or expedient without extended suffrage. He would, therefore, propose the Vote by Ballot to free the voter from that undue influence which would prevent his voting accordingly to the honest dictates of his conscience. These, then, were the three essential principles of his Bill:—1. Extension of the Suffrage. 2. A new arrangement, and a more equal distribution of the electoral districts; and 3d. Vote by Ballot. It was not necessary for him to go into any details to enforce the necessity of this change. He need only refer to the Address of the Electors of Liverpool to their Representatives, in which they complain that 500,000 Electors chose a majority of the House, and that the Reform Bill had disappointed all their hopes, and to the Petition which he had presented last evening, complaining that twenty-seven small boroughs, with an aggregate population of 172,000 persons, sent thirty-two Members to that House, whilst Liverpool, with a population of 100,000 more than the whole of those twenty-seven towns, only sent two Members, to show that the constitution of Parliament required amendment. He would ask also any hon. Member in that House, whether, under the present electoral system, justice were done to the people of Ireland? The great practical object, however, which he had in view in the change he now proposed, was the admission of the working classes to the Franchise. He considered, that the working classes were not sufficiently protected by the present state of the representation. They required a protection which the use of the Electoral Franchise and their consequent influence in that House, would give them, whereas he held that they were now in danger of oppression. He saw no reason for refusing the Franchise, in the fact, that the working classes were poor and unlearned. They required the more protection, because, they were poor and unlearned. It was not necessary for a voter to understand State policy, it was enough if he were able to judge of the character of those who offered themselves for his suffrage; and if want of learning were a fatal objection, he would ask, whether many of the present voters were not wholly unlearned? To show that the working classes needed protection, the very vote to which the House had come that morning, was to him, sufficient proof. Three several times had the House declared by its vote that there should be a limitation in the hours of labour. Those votes given in kindness for the working classes, had been revoked by a majority of 138. What was the reason they were rescinded? Did the working classes ask for the revocation? Had they not the unanimous feeling of the working classes expressed at all the public meetings, approving of the limitation of the hours of labour, and urging Members to give to their proposals continued support. If they looked at the last Report from the Committee on Public Petitions, they would find that the people had unanimously petitioned for this limitation. Yet those votes were rescinded, because one section of that House was too powerful, and the other section too weak. It was because the money party had power over the Government, and the Government, having influence with Members, commanded the House to rescind the previous votes, and so those votes were rescinded. It thus appeared, that the House was a very good representation of the Government, but not of the people. Could he believe, that this would have happened if the represen-

tation had been free? Could he believe, that Members would have suddenly changed their votes and their opinions if they had before them the prospect of a return to their constituents to be freely elected? He felt, therefore, that he had a claim on those who had supported the noble Lord (Ashley) to support him upon the present occasion. If the limitation of the hours of labour was right, then had a grievous wrong been done to the working classes, and he would ask those hon. Members what was their remedy? He did them justice for their sincerity, but it would be necessary for them to show their sincerity by their votes on this question, which would demonstrate that they were ready to give that influence to the working classes, which was necessary to secure the limitation of their hours of labour. He would claim also the support of the advocates of Household Suffrage, since his own proposal was not very different from theirs, or at least he asked them to allow the introduction of his Bill, and then to discuss its provisions. He would claim the aid more especially of the Irish and Scotch Representatives, because his proposal would secure a just proportion of representatives to every portion of the Empire. He asked for support also from the Repealers of the Corn Laws, for how could they carry out their repeal unless they poured more democratic influence into the House? He must, at the same time say, that there were other points besides those he had enumerated which the people deemed to be necessary for a full and free representation. The first was, a reduction in the duration of Parliament. No man could say that there could be free representation and proper responsibility so long as Parliament subsisted for seven years. There might be difference of opinion as to the time to which Parliament should be limited, but there was no doubt that the duration should be reduced. Another principle laid down was, that a qualification for Members should not be required, and that the ancient principle of the constitution of the payment of Members should be revived. These were all matters of detail, which he would be ready to argue, if he were allowed to introduce his Bill. He was not so absurd as to say, that there could be no improvement in the representation short of what he proposed, but it was his duty to tell the House what the full demands of the people were. The House relied on its majorities, and voted against popular rights, but he warned them that there was a mass of discontent abroad, which might lead to results the most disastrous if the grievances of the people were not redressed. They complained, that they were obliged to obey laws which they had no share in making, and to pay taxes which they did not send representatives. The hon. Gentleman concluded by moving for leave to bring in a Bill to extend the Parliamentary Suffrages, and to secure the free representation of the people.

Dr. *Bowring* had great pleasure in seconding the Motion of his hon. Friend. At this moment, when great discontent prevailed amongst the people, this was a subject which ought to receive the peculiar attention of the House. He believed that public opinion, of which that House ought to be the representative, sometimes erred; but he was convinced that they had only to create out of doors a strong popular power, in order to effect the most beneficial changes in the laws of the land; and although the people might occasionally be wrong, he did not think they would permanently be so; on the contrary, he believed, that those who were excluded from the Franchise, would bring a great deal of useful knowledge into the House. He had never been able to understand why the possession of a greater or less amount of wealth should decide the capacity of a man to exercise the duties of an elector. A much greater proportion was taken for State interests from the unrepresented than from the represented. The Member concluded by seconding the Motion.

The House divided:—Ayes 31; Noes 97: Majority 66.

List of the Ayes.

Aglionby, H. A.	Murray, A.
Archbold, R.	O'Connell, M. J.
Barnard, E. G.	Pattison, J.
Bright, J.	Pechell, Capt.
Brotherton, J.	Plumridge, Capt.
Dennistoun, J.	Scholefield, J.
Duncan, G.	Seale, Sir J. H.
Duncombe, T.	Strickland, Sir G.
Ewart, W.	Trelawny, J. S.
Fielden, J.	Villiers, hon. C.
Gibson, T. M.	Warburton, H.
Gisborne, T.	Ward, H. G.
Hatton, Capt. Villiers	Wawn, J. T.
Heron, Sir R.	Williams, W.
Hill, Lord Marcus	TELLERS.
Johnson, Gen.	Crawford, S.
McTaggart, Sir J.	Bowring, Dr.

List of the NOES.

Adare, Visct.	Hayes, Sir E.
Arbuthnott, hon. H.	Heathcote, G. J.
Arkwright, G.	Henley, J. W.
Astell, W.	Hinde, J. H.
Bagot, hon. W.	Hodgson, R.
Baillie, J. jun.	Howard, P. H.
Baldwin, B.	Hughes, W. B.
Baring, rt. hon. F. T.	Irving, J.
Barneby, J.	James, Sir W. C.
Bateson, T.	Jermyn, Earl
Beckett, W.	Jervis, J.
Bentinck, Lord G.	Joscelyn, Visct.
Borthwick, P.	Jones, Capt.
Botfield, B.	Knight, H. G.
Bramston, T. W.	Lincoln, Earl of
Broadwood, H.	Lyall, G.
Bruges, W. H. L.	Marton, G.
Campbell, J. H.	Masterman, J.
Cardwell, E.	Milnes, R. M.
Clay, Sir W.	Nicholl, rt. hon. J.
Clerk, Sir G.	O'Brien, A. S.
Clive, Visct.	Palmer, G.
Connolly, Col.	Patten, J. W.
Copeland, Ald.	Peel, rt. hon. Sir R.
Corbally, M. E.	Peel, J.
Cripps, W.	Pringle, A.
Damer, hon. Col.	Rashleigh, W.
Darby, G.	Richards, R.
Dodd, G.	Russell, Lord J.
Duncombe, hon. A.	Sandon, Visct.
Egerton, Sir P.	Shaw, rt. hn. F.
Estcourt, T. G. B.	Sibthorpe, Col.
Feilden, W.	Smith, rt. hn. T. B. C.
Forman, T. S.	Somerset, Lord G.
French, F.	Stanley, Lord
Gardner, J. D.	Sutton, hn. H. M.
Gaskell, J. Milnes	Thesiger, F.
Gladstone, rt.hn.W.E.	Trotter, J.
Gladstone, Capt.	Verner, Col.
Gordon, hon. Capt.	Vesey, hon. T.
Gore, M.	Wall, C. B.
Gore, W. O.	Watson, W. H.
Goulburn, rt. hon. H.	Whitmore, T.
Graham, rt. hn. Sir J.	Wood, Col.
Greenall, P.	Wrightson, W. B.
Greene, T.	Wynn, rt. hn.C.W.W.
Hamilton, J. H.	Young, J.
Hamilton, W. J.	TELLERS.
Hanmer, Sir J.	Fremantle, Sir T.
Harris, hon. Capt.	Baring, H.

THE SIX CLERKS' COMPENSATION.] Mr. *Watson* said, that he was about to move for a Select Committee to inquire into the compensations which had been awarded, under the Statute 5 and 6 Vict., c. 103. That Statute passed on the 8th of August, 1842, and the compensations were awarded by an order of the Lord Chancellor, in December, 1843; so that this application was made as early as possible. By that Statute, the offices of Clerk of the Enrolments, Comptroller of the Hanaper, Riding Clerk, Six Clerks, Sworn Clerks, Waiting Clerks, Agent, or Record Keeper, in the Court of Chancery in England, were abolished; and therein provision was made, for compensation to the persons filling those offices. It was the principle and amount of that compensation of which he complained. It had long been considered that those officers were perfectly useless. These compensations had been valued by a competent authority, and it was calculated that they would cause a charge upon the suitors in the Court of Chancery of one million of money. The annual sum to be paid was 78,741*l.* 14*s.* 11*d.* out of the pockets of the suitors. The offices of the Six Clerks were ancient offices, but latterly the duties had been very small indeed—they might be termed sinecures. They were patent offices, in the appointment of the Master of the Rolls. The number was originally six, but were now reduced to five. They were, from the nature of their office, fit subjects for compensation. In former days, the office had been sold, this had not been the case in modern times. Lord Clarendon mentioned an instance where a person obtained the office from Sir Julius Cæsar, when Master of the Rolls. In 1838 and 1839, his hon. Friend, the Member for Cockermouth, obtained the first insight into their fees. It was with reference to the Clerks of the Six Clerks that he had to call for an inquiry. They were called Sworn Clerks, or Clerks in Court. They were not appointed to any office, they had no pretence to fill an office, they had merely a monopoly of a business, to conduct the business of the Court of Chancery. In the reign of Charles II. there were ninety of these persons; by an order of Jefferys, their number was reduced to sixty. They had little or no duty to perform; in fact, they were an absolute obstruction to the public business. They had little more to do than to attend at their offices in Chancery Lane; and some of those individuals were now receiving upwards of 7,000*l.* a-year. Several of these Clerks of Six Clerks were declared to be entitled to a compensation of 5,500*l.* a-year for life; and he did hope the House would think that it was a case which called for the most rigid inquiry. Their fees depended on the number of attorneys employing them. A man might fill the office for fifty years and not re-

ceive one shilling; but if he was enabled to conciliate the attorneys, he might make a large income. The Lord Chancellor and the Master of the Rolls had the power of altering the fees, which they were allowed to receive from day to day and from hour to hour. Lord Hardwicke in his time by an order, regulated the amount of their fees, and some alteration was also made in them by Lord Erskine. There was, in fact, no permanence in the fees. Lord Lyndhurst, when he became Chancellor in 1828, made an order that no Clerk in Court should be entitled to a fee for a cause in the paper, unless he actually attended, and then only in case his attendance was absolutely necessary. By this order, the Clerks in Court were at once, and without compensation, deprived of fees, to many hundreds a year. In fact, the fees might be reduced and altered, at the will of the Chancellor. As he had said before the first insight into the profits of this office was obtained by his hon. Friend, the Member for Cockermouth, and then these Clerks were returned, to the astonishment of the profession, some as receiving ten, others six, and others 5,000*l.* a year. The offices were a positive abuse at that time, and it was for such offices, known to have been an abuse, that this enormous compensation was given. He did not want the House to take his statement, but he would give them the opinion of a right hon. Gentleman, who at the time he gave it sat in that House as Member for Ripon, he meant Mr. Pemberton, now Mr. Pemberton Leigh, who had justly obtained the highest eminence in his profession. In a speech published by him, he stated the duties and emoluments of these offices. The speech was made in 1840, on a motion respecting the two Vice-Chancellors, and it particularly referred to this matter, and he begged the attention of the House to it, for he was sure that there was no Gentleman on that or the other side of the House, who would not attach weight to every opinion which might fall from the right hon. Gentleman, the present Chancellor of the Duchy of Cornwall. He said:—

"The return which I hold in my hand bears the name of Mr. Aglionby. These returns, I confess, have filled me with astonishment, and, I think, will occasion some surprise to the House. There are certain ancient officers of the Court called Six Clerks, who formerly acted as solicitors, and by whom, in that character, all the business of the Court was transacted. To assist them in performing these duties, they had a certain number of sworn clerks, once sixty, now, I believe, reduced to twenty-five. They were, in truth, the only solicitors recognised by the Courts, and accordingly, to this hour every party in a cause in Chancery is obliged to appoint one of the sworn clerks as his clerk in Court, or nominally as his agent, to represent him through the progress of the suit. But so entirely is the real office of these Gentlemen, both Six Clerks and sworn clerks, changed, that their duties now consist, as far as I can discover, of what I am about to describe to the House. The duty of the Six Clerks consists in signing their names on the records—the bills and answers, pleas and demurrers which are filed. If a Six Clerk is for the plaintiff, he signs his name on the bill—if for the defendant, on the answer—but as the form is purely useless, and serves no purpose of authentication, or any other, it is thought unnecessary for more than one Six Clerk to attend the office at a time; and whoever is in attendance signs all the records for all the plaintiffs and all the defendants, signing his own name for the party for whom he is nominally concerned, and the name of one of the other Six Clerks (per procuration, as it would be termed in mercantile phrase), for the opponent party. For this useless ceremony, it appears that these Gentlemen received, during the last year, in the shape of fees alone (in addition to other emoluments, to which I shall afterwards advert), a net sum of 1,122*l.* 10*s.* each. Such being the duties of the Six Clerks, the proper duties of the sworn clerks, would seem to be still less.

'Si minus esse potest quam quod nihil esse videmus.'

As far as I can understand the matter, the only duty which the sworn clerks have to perform, as properly belonging to their office, is to receive and transmit to the solicitors all notices from time to time given in the course of a cause. And for duties such as these, with the addition of one to which I will advert, not properly belonging to their office, what does the House suppose is the gross amount of fees received by these officers, and paid by the unfortunate suitors? The return of the last year makes the amount no less than 59,967*l.* 6*s.* 9*d.* Of this sum, 8,205*l.* 4*s.* 6*d.* is stated to be accounted for to the Six Clerks, and to constitute the amount of fees paid to them, to which I have already alluded. The remainder, after deducting 363*l.* 15*s.* 1*d.*, stated to be paid 'to the bag-bearer and others,' is retained by the sworn clerks. Now how are these fees constituted."

And to this he would call the attention of the right hon. Baronet opposite.

"The statement of these details will show at once the enormity and iniquity of the tax which is thus levied on the suitor;" (and that

enormous and iniquitous tax was the subject of compensation. Again, he said) "Another source of the enormous income of this office consists of term fees. These, in the last year, were in number 42,999. The amount in money is not stated, but, I believe, the fees are 6*s.* 8*d.* each, and if so, they would give a sum of 14,333*l.* These sums, as far as I can learn, are not paid for any duty, real or nominal, but become due to the clerk in Court, in each of the four terms of the year in which any step is taken in the cause. In addition to this, term fees (I believe of much larger amount) become due in each term to the solicitors, and I request the House to observe how strongly this tells upon the expenses arising out of the years of delay, which are at present occasioned to the suitor by the want of Judges to hear the arrear of causes. The remaining item in this astounding return, is 8,994*l.*, 10*s.* received for taxation of costs. Now, this business, I believe is actually done, and the amount fairly earned. But the whimsical part of the case is, that the only duty which the Clerks in Court really perform, is that which ought to be, and to appearance actually is, performed by the masters. It is to them, as my hon. and learned Friend the Member for Galway will satisfy the House, that all bills of costs are referred for taxation. It is by them, that in all their reports, the costs appear to have been actually taxed, so that, of the vast amount received by these officers, about 9,000*l.* a-year appears to be paid for doing the business of other people, and the rest for doing nothing or next to nothing."

And then he stated the case of some reduction having been made in the fees :—

"Yet, as if in this office the Legislature took a pride in augmenting sinecures instead of reducing them, observe what has happened with respect to the Six Clerks. In 1832, some alteration being made in their fees by the establishment of a Bankruptcy Court, they obtained, as compensation allowed under the Act, from the Lords of the Treasury, 52*l.* per annum each for life. But in 1833 another Act was passed for abolishing fines and recoveries, and substituting in their stead deeds enrolled in Chancery. This Act, it appears, put into the pocket of each Six Clerk, by means of fees paid for doing nothing, a considerable addition to their incomes arising from fees on enrolments; the amount of the addition does not appear. The total amount of fees paid to each Six Clerk for enrolments in the last year was 527*l.* 10*s.*, and in the preceding year, 545*l.*; and yet they are receiving compensation for a loss to the extent of 52*l*; while their income has been thus most improperly, and I believe, on the part of the Legislature, most unintentionally, increased."

If hon. Gentlemen opposite would not attach any authority to what he said, he hoped they would to what had been said by the right hon. Gentleman to whose speech he had referred. It was shown that most enormous fees were received by those Clerks justly characterised by Mr. Pemberton as "enormous and iniquitous." He found a gentleman of the name of Gatty, who had awarded to him for compensation, as long as he lived, the sum of 5,424*l.*, and he was also appointed a taxing-master, with 2,000*l.* a-year beside; and it was beautifully expressed in the order for compensation that he was to receive as taxing-master 2,000*l.* a-year, and only 5,232*l.* in addition. So that this Gentleman received upwards of 7,000*l.* for taxing costs in Chancery-lane for five or six hours a-day; and this, probably, in the middle of life, when he was able to follow other occupations. The clerks in Court gave long credit to solicitors, and consequently made bad debts, and they often allowed a discount for the payment of ready money; but now there was no chance of their any longer making bad debts. There were others who received about 7,000*l.* a-year in the same way. By another section of the act, one-half of the compensation so awarded was to be paid for seven years after the Clerks in Court, and so when the Six Clerks Office had closed upon them, their executors or assignees were to receive 2,700*l.* a year for seven years. His hon. and gallant Friend the Member for Marylebone, had observed to him, that all the Admirals in the Navy did not get as much, and he was sure, that neither the naval or military service was rewarded in this way. The widow of a flag or general officer killed in battle, received 100*l.* a-year, here, some of these clients in Court had after their death 2,700*l.* a-year But he would not stop there; he would ask what officers in the civil department received salaries so enormous? He might appeal to the Chair, which the Speaker himself occupied, and yet, with the high dignity and station which that Chair carried with it, these taxing Masters, who had only to tax six and eightpences for five or six hours in the day, received a salary larger than that of the Speaker of the House of Commons by 2,000*l.* a-year Why, the whole affair was too ridiculous to be treated seriously. He would ask any Gentleman in that House, if on the 1st of January he had 7,500*l.* a year in hard cash to spend during the year? he might have large rent-rolls of

10,000*l.*, 15,000*l.* or 20,000*l.* a year, but with all that, who after paying tithes, taxes, and charges had 700*l.* a year to spend? And yet the poor suitors in Chancery had to make up this sum to pay these compensations. Then there were Gentlemen employed as agents, and clerks of these clerks of the Six Clerks, to whom the House gave liberal compensation; they received compensation at the rate of three-fourths of their emoluments when in office. Two or three of them got a compensation of 900*l.* a year, and others received less amounts. There was one called a waiting-clerk, but what he waited for nobody could tell, unless he was waiting for some better office. Then there was a Mr. David Drew, who was appointed to be agent of one of the Six Clerks, and who, although he had no office, received 1,935*l.*. 2*s.* 7*d.* as compensation, and there were other similar cases stated in the Returns on the Table of the House. Was there ever anything so monstrous? The mere agents or servants receiving compensation. They seem to have compensated all the flesh and blood they found in Chancery-lane at the time of the abolition of these offices. The Measure of compensation was passed through Parliament in a most extraordinary way, with most unaccountable haste, and he wondered what his hon. Friend the Member for Montrose could have been about at the time. He would read to the House from the Journals the manner in which the Bill had been hurried on. "Friday, 29th July, 1842. Message from the Lords. That they have passed a Bill, intituled an Act for abolishing certain Offices of the High Court of Chancery in England." "Court of Chancery Officers Bill read a first time, to be read a second time on Monday next, and to be printed." "Monday, 1st of August —Court of Chancery Officers Bill read a second time, and committed for to-morrow." Well, then, on Tuesday, the 2nd of August, the day after, they found "Court of Chancery Officers Bill considered in Committee;" fortunately the journals show what is done before, and what after midnight, and the moment after the clock had struck twelve, the Bill was reported and recommitted for that day, the 3rd of August: and it was added —"Bill, as amended, to be printed." There was no debate at all, he believed, on the subject. On the 4th of August, after midnight, they found "Court of Chancery Officers Bill considered in Committee; to be reported this day." "Thursday, the 4th of August, 1842, the Court of Chancery Officers Bill reported; to be read a third time to-morrow." Friday, 5th of August, 1842 (also late in the evening, but before twelve), Court of Chancery Officers Bill read a third time; Clause A added in Committee disagreed to; Bill passed with Amendments." It appeared, then, that this Bill was hurried through Parliament, and on only two occasions was it brought forward before twelve o'clock, and the printed Bill was only in the hands of Members the day before it was read a third time. It appeared further, from the Journals, as might be expected that on Monday, August 8, there was a Message from the Lords, "Amendments to the Court of Chancery Officers Bill without Amendment." Two days afterwards, on Wednesday, August 10, Mr. Speaker reported the Royal Assent to the Court of Chancery Officers Bill. He never recollected any instance of a Bill being hastened so rapidly through the House. He did not charge any one with being guilty of an act of commission, but most assuredly some persons had been guilty of an act of omission in not inquiring into the amount of compensation, and of stating to the Houee the nature and amount of the compensation, for it was, to say the least of the matter, the duty of those who introduced the Bill to bring the nature of the compensation especially under the notice of the House. He had taken great blame to himself for not looking into this Measure when it was before Parliament; but it was not brought before that House until the month of August, when he and his learned Friends whose duty it was more particularly to look into a Bill of this kind, were on the circuit. Indeed, by some singular accident, the Bill was introduced into the other House on the very day that they went the circuit. He hoped the House would bear with him if he proceeded to state some further particulars respecting the compensation under this Act. The fees of the Clerks in Court were derived from three sources—1st, term fees; the Clerk in Court receiving a fee of 6*s.* 8*d.* each term, in each cause in which he entered an appearance, for these fees nothing was done. 2nd, fees for taxation of costs, these fees

amounted to 8,000*l.* a year. 3rd, other fees for copies, this copy money was charged at 10*d.* per folio, whereas they got the copy made at 1*d.* per folio. The taxation of costs, properly belonged to the Master in Chancery, but although no duty of the Clerk in Court, they had the taxation of all the costs. One great complaint against this Bill is, that Six Taxing Masters at 2,000*l.* a year, each are appointed to tax the costs, making a charge of 12,000*l.* a year, on the suitors instead of 8,000*l.* a year, which it cost the public before. The Bill passed in 1841, for the creation of the new Vice-Chancellorships, and at the end of that year those two high judicial offices were filled up. A few months afterwards, it was seen that the two new Vice-Chancellors were sweeping away most rapidly the arrears of business in Chancery. The Clerks received a great portion of their fees from the arrears of business, particularly the term fees, and these amounted to not less than from 14,000*l.* to 16,000*l.* a year. He begged the House to observe the especial manner in which this business of compensation was arranged. The amount of compensation was not taken on the average of ten years, as was customary, but of three years only, when there was the greatest amount of arrears that had ever accrued in the Court of Chancery. He would now state the nature of the Measure to the House. He had no hesitation in saying, that the provisions in this Act of Parliament were perfectly unusual in an Act of Parliament. The Compensation Clause directed that each officer was to give in his claim, stating the amount and the nature of the income he derived from his office within twelve calendar months, and then to receive compensation according to the order of the Lord Chancellor, such amount being not less than the amount of three-fourths of his salary. Now, he had compared this Act of Parliament with a number of other Acts of Parliament giving compensation, and he was really astonished at the variations between this and the other Acts of Parliament. It was stated, he believed, on good authority, that one of the Clerks in Court drew this Bill for giving compensation to himself and his fellow clerks, this he did not doubt, we rather would have supposed that a Parliament of Six Clerks had originated and passed the measure. There were several recent cases before the House, where Acts had passed for giving compensation to Officers of Courts of Justice on the abolition or change in their respective offices. He found it enacted the 11th Geo. IV., and 1st Will. IV. c. 58, entitled "for the future appropriation of fees," that Commissioners should be appointed by the Treasury, to inquire into, as well the legality as the amount of the fees and emoluments contained in account; and also to ascertain the value of the office in the average of ten years. These Commissioners were empowered to examine the claimants of compensation, and other witnesses on oath. Here was no such clause as this act simply gave compensation on an average of three years, when there were the greatest arrears of business, and when, therefore, the fees were at the highest. Under the act he had just mentioned, the parties were to be examined on oath, and a relation of the right hon. the Chancellor of the Exchequer, and the other Commissioners, used the greatest caution in granting the amount of fees; but, by the other Act, the Lord Chancellor had the power given him to make full compensation, without any restrictions. He believed that this was the first time in which the authority was entrusted to the Lord Chanceller, who was not in the habit of granting compensations, and therefore, could not so readily detect any thing irregular. He would say to the honour of the right hon. the Chancellor of the Exchequer, that he believed that no one was so unpopular as himself and those who held that office, with those who were seeking for a change or abolition of the offices they held, because he and his predecessors were in the habit of looking very closely into claims of this kind. It was not to be expected that the Lord Chancellor would look very closely into a matter of this kind, as he was not in the habit of having cases of the kind referred to him. Again, by the Act 6 Geo. IV. c. 96, entitled an Act for preventing frivolous writs of error, it was enacted that Commissioners should be appointed, who were to be the three Chief Judges of the Common Law Courts, and they were directed to inquire on oath into the lawful fees and emoluments claimed by certain persons affected by the Act, on an average of ten years. Again, by the 3rd and 4th Wm. IV. c.

94, entitled an Act for the Regulation of the Office of the Registrars in Chancery, it is directed that the Lords of the Treasury should investigate, on oath, or otherwise, whether any, and if any, what compensation ought to be made, having regard to condition and notice. By the Act, also, the 5th and 6th Wm. IV. c. 82, respecting the abolition of fines and recoveries, it was enacted that the Commissioners of the Treasury shall grant such compensation, annual or gross, as may appear reasonable to them. Also, by the 3rd and 4th Vict., c. 94, entitled an Act for facilitating the administration of justice in Chancery, the Commissioners of the Treasury were directed to inquire, on oath or otherwise, whether any, and if any, what compensation ought to be made to officers having regard to condition or notice, with full power to investigate into the nature of the office, and the mode of appointment, and also as to the amount of compensation to be granted. Again, by the 5th Vict. c. 5, namely, the Act for abolishing the Equity Court of the Exchequer, it was directed that the Treasury and the Lord Chief Baron should inquire whether any compensation ought to be made to any such claimant; and, if any, what were the lawful fees and emoluments in respect of which the same should be allowed, and to fix compensation at not less than three-fourths of the lawful fees and emoluments. In these cases the Commissioners of the Treasury, and not the Lord Chancellor, were to consider whether such fees, if any, called for compensation. In the Act to which he wished particularly to call the attention of the House, the words "if any" were left out, and there were several important variations, as regarded compensation, from the other Acts. He would challenge any one to show him an Act of Parliament giving compensation in a similar manner as was provided in this Act. The compensation under the Acts that he referred to, was not to be estimated on the average of the three years when they were largest in amount, but the Commissioners of the Treasury, with the other Commissioners named by Act of Parliament, were to give such or any as they deemed just and expedient. He, therefore, felt that he was fully justified in saying that this Clause was a most unusual one in an Act of Parliament. There had lately been laid before Parliament certain returns connected with this subject, which had been prepared at the suggestion of his learned Friend, the Attorney General; and this, he believed, was got up for the purpose of showing that the suitors in the Court of Chancery have benefited by the change that had taken place, and by the compensation which had been given. It appeared by the return moved for by his hon. and learned Friend, that the total amount of fees received in the offices of the Clerk of the Enrolments, Six Clerks, and Sworn Clerks, for the year ending 26th October, 1842, was 77,000*l.* This was taken in the Act as the average sum received by these officers. The two new Vice Chancellors were then created, and the object of the return was to show that there had been a diminution in the fees. He conceived, however, that this return was entirely fallacious. The object of it was to show that there had been a gain to the public in the year of 248*l.* 12*s.* 1*d.*, for this was the amount given of diminution of charge on the suitors and others paying fees. He found, also, that taking the return on the Table respecting the 77,000*l.*, there was a difference between another return, furnished by the Court of Chancery, of several thousands of pounds in one of the items. In the account of the Suitor's Fee Fund laid before Parliament by the Accountant-General of the Court of Chancery, it was stated that upwards of 30,332*l.* was received in the year as fees by the taxing-master; whereas, according to the return moved for by the Attorney-General, the amount was stated at 23,533*l.*, making a difference of nearly 7,000*l.* He also found that, according to the former return, the amount of fees received by the record and writ-clerks was 38,779*l.*, whereas, in the latter return this amount was stated at 36,466*l.* He was surprised at first at this difference, to the amount of several thousands of pounds, between the two returns, but he at last found that there was a distinction between the period of the year when the returns were made. That moved for by his learned Friend the Attorney-General was made up to the year ending the 29th of October, 1843, whereas that from the Accountant-General was dated November 25th, 1842. This probably accounted for the discrepancy between the two returns. Again, it was stated that the amount of salaries, office expences, and compensations under the Act 5 and 6, Vic., c. 103, was 76,815*l.*

whereas in the return by the Accountant-General was it given as 78,740*l.* By this, it was clear, that both in the amount collected, and the amount expended under the new Act, the public were losers to a large amount. But supposing the figures did show that amounts received were less, it must be borne in mind that the amount of the fees received by the Clerks in Court in 1841 and 1842, was not a fixed sum, but fluctuated with the increase and decrease of business. Since the arrears have been removed, the amount of the fees of the Clerks in Court would have been largely decreased. Moreover many of these fees are paid to the attornies, and do not appear in the account. But they would be told that the compensation had proved a benefit to the suitors in the Court of Chancery. The case, however, was, that compensation had been given to the holders of offices which were admitted to be acknowledged abuses in the Court of Chancery, and for which no compensation should have been given? The Act of Parliament giving compensation was not only, in the way which he had described, different from anything he had ever seen before, but it was also the case in another respect. He had never known before a Clause inserted in a public Act of Parliament for the purpose of defraying the charge of passing this Act: not satisfied with giving compensation in granting them salaries for life, and for seven years after death; the Act directed that the costs and charges incurred in preparing and passing this act shall be paid out of the suitors' fee fund. He also found, from a return upon the Table of the House, that the sum charged as the costs incurred in preparing, procuring, and passing this Act, was 339*l.* This was the charge made for a bill for taking a million of money from the suitors, to be given to them who drew the Bill. Let the House consider what were the funds from which these compensations and charges were to come. There was a fund called the suitors' fee fund. This was a fund which was formed of the fees received in the various offices of the Court of Chancery. He found that, according to the return, the amount in the year ending Nov. 24th, 1842, was 62,000*l.*; but for the year 1843, which they were told was the great year of retrenchment for the suitors in the Court of Chancery, it was 153,000*l.*, making an increase in the taxation of the suitors between the two years of not less than 91,000*l.* There was another fund in the Court of Chancery, called the suitors' fund, which was the amount paid into Court, for which there was no immediate claimants. This fund amounted to 2,869,000*l.* stock, and it was described as the fund for preserving and securing the funds in the hands of the Court. There were persons who were entitled to every shilling of this fund, and the principle and interest of this fund was charged with the annual amount of 99,170*l.* to defray the expenses of the Court of Chancery. He considered that it was a most monstrous proceeding thus to invade the suitors' fund in Chancery. It should be recollected that some day or other parties entitled to this property would come forward and claim it, and then the amount, both principle and interest, must be provided for. Here was the property of infants and lunatics, who were almost necessarily suitors in the Court of Chancery, dealt with in this way, and made subject to the most serious charges. Male adults might escape through life without a Chancery Suit; but trustees, widows, married women, infants and lunatics, were necessarily involved in Chancery Suits, they were the peculiar objects of the protection of Chancery, and these persons were to be plundered to pay these compensations. It might be asked, what was the object to be attained by a Committee; was it to call in question the award or order for compensation, or to repeal the Act of Parliament. He did not complain of compensation being given under an Act of Parliament where it was just and reasonable. He contended that the compensation was awarded on a wrong principle. By the Returns, it appeared that the Chancellor had awarded compensation on all the fees of these officers without inquiring whether such fees were properly subject matter of compensation. Look, however, to the words of this Act of Parliament, where it was stated that on the abolition of any office a claim for compensation should be made, within twelve calendar months after the passing of the Act, to the Lord Chancellor, who shall proceed in such manner, and upon such average as he may think proper, to inquire what compensation ought to be made to any such claimant, and what were the fees and emoluments in respect of which an allowance should be made. It was therefore the duty of the Lord Chancellor to

investigate every fee, and to see whether they were permanent as regarded their form, and whether the Lord Chancellor had the power of altering the amount or nature of these fees, and then only giving compensation for legitimate fees. If these parties could make out the justice of their claim as regarded the nature of their offices, Parliament should have bought these officers up, and not have left the matter to be settled in the way which he had described, by which a sum, which would amount to nearly 1,000,000*l.* of money, was charged upon this fund. It was clear that it was the duty of this House to inquire into this award of compensation. By the Constitution, this House was to control the taxation of the subject and the application of the funds raised by taxation. But this Act expressly provided, that the orders for compensation should be laid on the Table of this House within fourteen days after the order was made. This could only be so as to enable the House to investigate and correct orders made under the Act. It might be contended that the Lord Chancellor had no discretion in the matter as to fees, and that the Act of Parliament was imperative on the subject, but he had clearly shown that this was not the case. If that were the true construction of the Act, he might be asked, did he intend to ask for a Committee to inquire into the legality of these fees, and to repeal the Act of Parliament if he made out his case? He most certainly would do so. His hon. and learned Friend the Solicitor General, might ask whether that would be doing justice to the Six Clerks? But he (Mr. Watson) would ask, was it justice to the suitors in Chancery to be placed in the situation in which they are by this Act? He was willing to consider the claims of the Six and other Clerks, and he would not object to giving them adequate compensation, if it were shown that they were justly entitled to it; but he demanded justice for the unfortunate Suitors in Chancery. He asked the House to inquire into the subject, and if necessary, with the view to repeal this Act of Parliament, and, by giving assent to his Motion, it would be only doing what was just and reasonable, and undoing what was unjust and unreasonable. The object which he immediately had in view was inquiry. He would appeal to hon. Members of that House to look into the mode in which this Act had been passed, and to consider how great were its variations from any other Act of a similar nature—also to regard the nature of these offices and of the fees, and to the compensation given for life, and for seven years after death, and he thought if they would dispassionately consider the matter, that they would admit that he had made out his case. He trusted that his Motion would not be resisted — he trusted that there would be inquiry, and by doing so, the House would only do what was just and right in getting rid of this enormous tax on the suitors in the Court of Chancery. There was another part of his Motion which opened a very large subject. It had reference to the different funds which formed the suitor's fund, such as the Bankruptcy fund, the Exchequer fund, the Fee fund, and the other funds, and as to the mode in which the accounts were kept. What he wanted was to inquire and consider whether it was wise and expedient to pay the officers of the several Courts through the means of fees. In theory it appeared to him that the sound mode of proceeding would be to pay those charges for the administration of justice out of the Consolidated Fund. The Consolidated Fund is charged with 311,000*l.* annually for the courts of justice, but the public are charged immensely in the shape of fees; but now in these Courts, as well as in the Courts of Common Law, you make the suitor pay many of the charges. He called upon those hon. Members who professed to be favourable to law reform, to consider that in order to obtain the great object that they had in view, they must not only have good laws and a careful administration of them, but also chief and speedy justice. An opportunity was here afforded of testing the sincerity of those who called for Law Reform, for unless Law was rendered cheap and acceptable to the people it was valueless. He called upon them to assist him in carrying out a cheap administration of justice. He trusted the House would institute inquiry into these compensations so justly termed "enormous and iniquitous." On these grounds he begged leave to move—

"That a Select Committee be appointed to inquire into the orders for compensation made by the Lord Chancellor to the persons filling the offices of Clerk of the Enrolments, Comptrollers of the Hanaper, Riding Clerk, Six Clerks, Sworn Clerks, Waiting Clerks, Agent

or Record Keeper in the Court of Chancery, under the Act 5 and 6 Vic., c. 103, and to inquire into the nature, duties, and emoluments of those offices before the passing of that Act, and their right to compensation (and if any, to what amount) during their life, and for seven years after the death of such person; and to inquire into the circumstances attending the passing of that Act; and the monies charged on the Suitors' Fee Fund in Chancery for passing that Act; and also to inquire into the taxation of suitors in Courts of Law and Equity, and the application of money raised thereby, and the propriety of continuing the same."

The *Solicitor General* gave his hon. and learned Friend great credit for the industry which he had evinced in the numerous details he had presented to the House, and for the great address and dexterity which he had displayed in using them, but his hon. and learned Friend must forgive him for remarking that he appeared to have stopped short, and to have collected facts which were just sufficient to lay the foundation for the semblance of a charge, and then carefully to have turned away from the case when he approached an explanation. He knew that subjects of this description were dry and uninteresting, particularly when they were involved in details, which in the present case were most necessary, for, inasmuch as his hon. and learned Friend had brought forward a serious charge against the individuals who were concerned in awarding these compensations, he trusted the House would indulge him with their patience, while he laid before them the grounds on which he felt it his duty to call upon the House to resist the Motion of his hon. and learned Friend. Now there were some principles on which his hon. and learned Friend and himself were agreed. He was not there to defend the position in which the Six Clerks and the clerks in Court were placed at the time when these compensations were awarded. He admitted to his hon. and learned Friend, that it was a great abuse;—it was an abuse which, if he might use the expression, was consecrated by time; but unquestionably these claims stood in the way of reform and improvement, and it was absolutely necessary, before there could be a prospect of remedying the abuses that existed in the Court of Chancery, and improving the proceedings and practice of the Court, to dispose of these individuals and of their interests, as the only mode in which the way could be cleared. His hon. and learned Friend was perfectly correct in stating that the Six Clerks' was an ancient office, and that it had in process of time become almost a sinecure. He believed, that from the year 1688, nothing was done beyond signing their names to the proceedings in the Court of Chancery; and his hon. and learned Friend was quite correct in saying that so unnecessary and so unimportant were the duties they had to perform, that it was considered sufficient for one out of the number to be present at the office, for the purpose of performing the small duty which remained; and accordingly, by an arrangement amongst themselves, one out of the six attended for two months, so that the whole annual duty of each of these Six Clerks was not for a longer period. These Six Clerks had the power to appoint ten clerks under them, who were called the sixty clerks, or sworn clerks, or clerks in Court. At the time of the passing of the Act to which the attention of the House had been directed, there were only twenty-five sworn clerks. From the year 1688, the sworn clerks performed the duties which originally belonged to the office of the Six Clerks; but in process of time they also abandoned those duties, which consisted in issuing writs, in filing pleadings, in making office copies of different proceedings; and they having been originally employed to represent the solicitors in Court (for no solicitor could practise in the Court of Chancery, except through the intervention of one of those clerks in Court) they were in the habit of attending before the Master in Chancery to tax the bills of the solicitors who employed them; and it was rather strange, that in process of time the duty of attending before the Master for the purpose of taxing the bills of the solicitors devolved entirely upon them, and was the only remaining duty which they had to perform, the remainder of the duties, consisting, as he had already stated, of issuing writs, filing pleadings, taking office copies of different proceedings, devolving upon persons who were called agents. These agents acted not entirely for one of the sworn clerks, but for three or four of them. He (the Solicitor General) did not say that the agent had any legal or vested right in his office. He was not like the Six Clerks or the Sworn Clerks; but practically he was a

a person who enjoyed his office for life, and there was no prospect of his being removed by the sworn clerk under whom he acted; and therefore *de facto* when his office was abolished he had claims to compensation which were unquestionably regarded by the Act of Parliament. He admitted, that that state of things was a very great abuse. He conceded to his hon. and learned Friend, that very considerable fees were not, to use his own expression, exacted by these Sworn Clerks, but there were very considerable sums received by them for doing almost next to nothing. Their office, in fact, had almost become a sinecure, although they had important duties to perform — which belonged originally to the Masters in Chancery, and was no part of the duty belonging to their offices as originally constituted — that of taxing bills. When his hon. and learned Friend said these fees were exacted by the Sworn Clerks, he must say they were exacted by the orders of successive Lord Chancellors from the time of George II. When Lord Hardwicke was Lord Chancellor, a scale of fees was laid down; that scale was remodelled in 1807, and from that year down to the time of the passing of the Act in question the fees were invariably the same. The fees were perfectly well known to the profession. He admitted they were very high—he admitted that persons receiving these fees for duties which they never performed was a great abuse—he admitted that the Six Clerks, and the Sworn Clerks stood in the way of every improvement, and that it was necessary to dispose of their vested interests to make way for those reforms which were considered necessary in the Court of Chancery. This was the state of the public mind with regard to these offices in 1840. At that time Mr. Field, a solicitor of very considerable eminence, and in very considerable practice, in a series of able pamphlets directed to the reforms in the Court of Chancery, which he considered necessary, called the attention of the Government to those fees that existed with regard to the Six Clerks and the Sworn Clerks, and expressed his opinion that it was absolutely necessary as an essential preliminary to any improvement in the proceedings of that Court, to get rid entirely of the vested interests of these parties. He believed it was in consequence of the pamphlets of Mr. Field, that the hon. and learned Gentleman, the Member for Cockermouth's attention was called to this subject, and in 1840, he moved for a Return of the fees and emoluments, not of the Six Clerks, as his hon. and learned Friend, the Member for Kinsale, supposed, but the fees and emoluments of the Sworn Clerks. [Mr. *Watson*: Both.] It made no very great difference. It was a Return, then, of the fees of the Six Clerks and of the Sixty Clerks. The Return was made by numbers, and the names of the individuals were not given, and it appeared that some of them received enormous sums in the shape of fees. One of them, Mr. Gatty, received between 10,000*l.* and 11,000*l.* a year. Others received smaller sums of 9,000*l.*, 7,000*l.*, and 6,000*l.*, down to the small sum of only 20*l.* [Mr. *Aglionby*: The names were given in the original Return, but not printed.] He now came to the time when the present Lord Chancellor came into office in 1841. A Commission was either then in existence, or was established by him, consisting of the present Master of the Rolls (Lord Langdale), Vice Chancellor Wigram, his right hon. Friend Mr. Pemberton Leigh, and the late Mr. Sutton Sharpe; whether that Commission was formed by the Lord Chancellor or found existing by him was wholly immaterial. But his attention having been drawn to the necessity of reforming the proceedings in the Court of Chancery, he referred the matter to the discretion of those learned persons; and it was hardly possible to find any persons better fitted for the business. There was existing at that time a Committee at the Law Institution, which, as hon. Gentlemen knew, was an incorporation of solicitors. That Committee was formed for the purpose of taking into consideration the various Law Reforms which might be necessary. To that Committee the Commissioners referred the subject of any reforms which they might think fit to introduce into the practice and proceedings of the Court of Chancery; and that Committee made a Report to the Commissioners, recommending, as absolutely essential to any improvement, the abolition of the offices of the Six Clerks, and of the Sworn Clerks, together with some other Clerks and Offices in the Court of Chancery, to which he need not particularly refer. In consequence of this communication from the Committee, some of the Sworn Clerks were spoken to on the sub-

ject, and were informed of the recommendation of the Committee; and those Clerks were disposed, upon the distinct understanding that their vested interests were to be respected, and that they were to receive that compensation to which they were fairly entitled, to assist in the work of improvement. Accordingly a Bill was prepared,—and his hon. and learned Friend was perfectly correct, for there was nothing whatever in the matter to be concealed,—a Bill was prepared by Mr. Wainwright, who had been one of the Sworn Clerks. But it was not at all a true or correct representation to say that Mr. Wainwright was the legislator, and that he sent his Bill through Parliament. Because, that Bill having been prepared by Mr. Wainwright, was submitted to the Committee at the Law Institution. It was examined by them, clause by clause; the compensation clauses particularly, he believed, were framed under their control and supervision, and a Report was made to the Commissioners, that Report being accompanied with a number of cases of compensation to the abolished officers from the year 1803 downwards, to the time when that Report was made. Those clauses were considered by the Commissioners; and now let him pause here and draw the attention of the House to the persons who composed that body of Commissioners, because it was of essential importance that the House should consider the careful mode in which this Bill was introduced into the other House, and came afterwards to this, and ultimately received the sanction of the Legislature. Mr. Pemberton Leigh was a most eminent Member of that body; and in 1840, after the Return had been moved for by his hon. and learned Friend, the Member for Cockermouth, he had undoubtedly addressed himself in very strong language with regard to the offices and duties of these Clerks; he had spoken of the enormous incomes they derived in the terms which the House had heard read by the hon. and learned Member for Kinsale; he knew the whole merits—or, if his hon. and learned Friend pleased, demerits of the case; he knew perfectly well upon what footing those offices existed, what duties were performed, and what emoluments were received; and he himself was a party to the bargain which was made, by which their offices were to be abolished, upon giving them a fair and just compensation. He would not shrink from that expression. He said it was a fair and just compensation. He admitted the existence of the abuse; that it was wrong to allow those persons to continue to receive those large emoluments, not performing any commensurate duties. But they had a vested right and interest in the emoluments of their office, sanctioned by the orders of successive Lord Chancellors, recognised and acknowledged by the whole profession, and made the subject of transfer and sale, parties giving very considerable sums of money. [Mr. *Jervis:* "No, no."] His Friend cried "No;" but he said yes; large sums of money were given for even a share in the business. In one instance, as much as 27,000*l.*, and, in another, 15,000*l.* was given for only a portion of the business of a Sworn Clerk. It was so much considered a matter of succession and of family arrangement, that settlements were made with respect to the offices, and wills were made with reference to the benefit such parties derived from being installed by their predecessors in office; and actually in one instance, and it was a very remarkable circumstance, showing how completely it was considered a matter of succession, that, having mentioned Mr. Wainwright's name, he would state, a party of the same name was a Sworn Clerk in the time of the Commonwealth, and the office had devolved from father to son in lineal descent down to Mr. Wainwright himself. Under these circumstances, whatever might have been the abuses which existed with regard to the emolument derived by these parties, they had vested interests and rights, which in other similar cases had been repeatedly recognised by the Legislature. He would allude to a case which was perfectly familiar to his hon. and learned Friends on the other side of the House,—the office which more than one noble Lord had held in the Courts of Common Law in this country, for which there were no duties whatever, and with respect to which the salary and fees were very considerable. When those sinecure offices were abolished, very large compensation was given to their noble possessors. Now, undoubtedly, the existence of those sinecure offices was a very great abuse; but no one ever dreamt that, because it was an abuse, the persons who had been regularly invested in those offices, and who by law received the fees

and salaries attached to them, were not to be fully compensated for the loss they would sustain by the abolition of their offices. But it was reserved for the present occasion to say that; and it was solely, he believed, on account of the peculiar circumstances in which the Six Clerks stood, that this attempt was made by the hon. and learned Member for Kinsale, to rip up an inquiry which was instituted prior to the passing of the Act, and to do the grosest injustice by the repeal of that Act. There were only twenty-five clerks at the time of the passing of the Act, and only a few of those derived considerable emoluments. It was the same thing to the public, whether those emoluments were distributed regularly over the whole body or whether a few only obtained the greater share; but not so he admitted, to the individuals. But had the sums received by the Six Clerks and the Sworn Clerks, amounting to about 77,000*l.*, been spread over all of them, and each had received an equal amount, although the total compensation would have been precisely the same, he ventured to say, that no complaint whatever would have been made. At all events, if any complaint had been made, there would have been no ground for exciting the House as his hon. and learned Friend had done, by calling its attention to the enormous amount of the fees received by those officers. But all these things were perfectly well known to Mr. Pemberton Leigh, to Lord Langdale, to Mr. Sutton Sharpe, and to Vice-Chancellor Wigram, yet they made no objection to the Bill, neither was it objected to in the House of Lords. The Measure, after being fully considered by the Commissioners, was introduced into that House by Lord Langdale, and little or no discussion took place. No objection was raised to it by the noble and learned Lord who took so great a part in the discussions in that House (Lord Brougham), nor by another noble and learned Lord (Lord Campbell), who was much on the alert to detect any improprieties. In the progress of the Measure, Mr. Wainwright conceiving it necessary to draw the attention of the noble Lord who had presided in the Court of Chancery, procured an interview with Lord Cottenham, and went through the Bill, clause by Clause, with his Lordship, calling his attention particularly to the circumstances of the case. Mr. Wainwright informed Lord Cottenham that there were two Clauses different from the provisions of the Act for making compensation when certain offices in the Exchequer were abolished, and he showed that compensation was given for seven years after death to the Sworn Clerks and also compensation to the agents who were not recognised officers. Lord Cottenham discussed the matter with Mr. Wainwright, and he had his Lordship's authority to state that his attention was called to the Bill, and that the effect of these clauses was pointed out to him; and he thought he was entitled to say, that they received his Lordship's sanction, because he did not find, that either directly or indirectly, Lord Cottenham made the slightest objection to them during the progress of the Bill through the House of Lords. So much for the introduction of the Measure. His hon. and learned Friend had said he did not complain so much of sins of commission as of sins of omission. What sins of omission had there been in this particular instance? Would his hon. Friend mention any Bill that had been watched more jealously or that had been more carefully examined and sanctioned before its introduction by persons of competent experience and judgment to protect the public interest? It passed through the Lords, because that House was satisfied that its provisions were grounded in justice. The Bill then came down to that House, late in the Session he admitted, but still there was time enough and competent Members in sufficient numbers in attendance to discuss, to weigh, and to decide upon its merits. He was not disposed to undervalue the services of his learned Friend the Member for Kinsale on an occasion of this kind, but he thought he might venture to say, that matters of this description were not quite familiar to either of them. His hon. and learned Friend had received his instructions on the present occasion, and had been able in the management of them; but before he received those instructions and the information they contained, he would venture to say, that his hon. and learned Friend knew nothing whatever of the constitution of the Six Clerks, the Sworn Clerks, and other officers included in his Motion. Though he was ready to admit that the Bill passed rapidly through its several stages, he must observe that it was not passed *sub silentio*. In the first place, the hon. and learned Member for Sheffield

made a comparison, which was repeated that evening by his hon. and learned Friend, the Member for Kinsale, between the remuneration for professional and political services. The hon. and learned Member for Kinsale, reasonably enough, demanded to know where was the hon. Member for Montrose on that occasion. Now when that observation was made by the hon. Member for Sheffield, the hon. Member for Montrose rose in his place—he was sorry the hon. Gentleman was not now present—and said that he had examined the Bill and found it perfectly correct both in its principle and details. In the next place, although the Bill, he believed, was not subjected to another discussion, yet the attention of the House was called to it by a Motion made or a suggestion thrown out by his hon. and learned Friend the Member for Liskeard, who was desirous of introducing a clause for compensating the agents in the Court of Exchequer, whose offices had been previously abolished, and who were very properly, he conceived, entitled to compensation, although the Chancellor of the Exchequer expressed some dissatisfaction at persons not having a legally vested right being compensated under an Act of Parliament. He said very properly, because those persons had always been considered to have held their offices *de facto* for life, and would undoubtedly have held them for life, had they not been abolished. Such was the mode in which the Bill found its way to that House from the House of Lords, and had been passed through that House. It was not introduced clandestinely, nor was it hurried through the House hastily, but it was introduced under the auspices of an individual whose attention had been directed to its details, who acknowledged the abuses, but who felt that it would be unjust to deprive the parties of the offices which they held without granting them compensation for the emoluments arising therefrom. Here he might rest his case, because all that followed depended on the Act itself. If blame could be attributed to any party, it must be shared by the whole Legislature, and every hon. Member must, in that case, be considered guilty of the sin of omission, which the hon. and learned Gentleman had preferred against particular parties. With regard to the measure itself, he thought the principle of compensation would be admitted by all, No one could surely object to compensation being awarded to those persons who had so long enjoyed the emoluments of the offices which they held on perfectly legal grounds. His hon. and learned Friend the Member for Kinsale, however, objected to the amount of compensation, saying, that the Act of Parliament made no provision for examining into the legality of the different fees and emoluments. Granted; but that again was the fault of the Legislature. His hon. and learned Friend had no right to fix neglect on any individual regarding this particular Measure. He would not, however, rest his reply to the objection on that point alone. Surely his hon. and learned Friend must have been informed that the amount of fees was perfectly well known in the profession, and that there was not the slightest difficulty in checking this amount. He asserted that until the Returns moved for by the hon. and learned Member for Cockermouth, no one knew what their amount was. That was quite a mistake, for Mr. Field, in a pamphlet which he published long before that Return was made, stated that he had little doubt that the gross amount which they produced would not be much under 63,000*l.*, and that the incomes varied from 3,000*l.* to 8,000*l.* Regarding compensation, it was arranged that the amount which the Clerks of Court and the Six Clerks should receive under the Act of Parliament was to be not less than three-fourths, and the Clerks of Record, and the Agents not less than two-thirds. His hon. and learned Friend was in error in this point also, for it was the minimum amount which was adopted—and so far from any attempt having been made to overrate the amount of emoluments, both the bad and doubtful debts were taken into account, the bad deducted altogether, and a proportionate reduction made for the doubtful, so as to reduce the emolument to its actual amount, and not allow the compensation to exceed the intention of the act. He thought too, that what he had stated would show that due caution had been taken in drawing up the provisions of the Act. With regard to the offices of the Six Clerks, he would ask if it was true that these offices had been matter of transfer and sale? Was it true, that in a variety of instances, where the parties were *in extremis*, their situations as Clerks in Court were sold for a considerable sum? Was it true that when a Clerk of Court died, leav-

ing a son under articles, that some person acted as a trustee in keeping the business together until the son became qualified for the office? Were these things true or not true? If they were true, every candid and honourable man must admit that there was, with regard to these offices, an interest beyond the life of the possessor. One liked occasionally to have precedents to guide him, especially in cases of this description, and when his learned Friend was enabled to raise a cheer on his side of the House when he spoke of the extravagant and unusual mode in which compensation had been administered in this case, perhaps he was not aware of what was done on the abolition of the office of Six Clerks in Ireland, in 1836. The Bill which effected that object was introduced by Lord Plunket, and received the sanction of the Government of the day. He was sorry the noble Lord, the Member for London, was not present to support his statement, but in that Bill was contained the very principle against which his hon. and learned Friend inveighed, and that too in a more striking manner than it appeared in the Act in question. What was done in that case? The Six Clerks in Ireland, like the Sworn Clerks in this country, had a vested interest in their offices, and the power of transfer, which was recognized by the Legislature—and how were they compensated? He believed the emoluments of their offices were not more than 600*l.* a-year, and yet they had the round sum of 4,000*l.* paid to them in present money, and an annual sum calculated upon the average of their salaries for the last three years awarded them during life. Here was a complete precedent and direct authority for the very clause in the Act of which his hon. and learned Friend complained. But, as he before said, it was perfectly immaterial to him what his hon. and learned Friend said respecting this Act, unless he could show that it had not been fairly introduced into or considered by the House. His hon. and learned Friend had endeavoured to excite the compassion of the House by talking about the Poor Suitors' Fund, and said that it was burthened to the extent of 1,000,000*l.* by means of the compensations awarded under this Act. He was quite certain his hon. and learned Friend could not have considered this matter well, or he would not have ventured to make such an assertion. The Suitors' Fee Fund, which his hon. and learned Friend had properly distinguished from the Suitors' Fund, was, in point of fact, taxed to the amount of 77,000*l.* for the different fees received by the Six Clerks and Sworn Clerks and other officers abolished under the Act, and, unless the Legislature had interposed, those fees which were established by legal authority, and had become a permanent incumbrance, could not be diminished. His hon. and learned Friend was quite mistaken in supposing that they could, at least without inflicting the grossest injustice. He would not trespass on the House by observing again upon the right which the parties in question had to a large compensation, and upon the fact of its being wholly immaterial to the public. He need only say that this sum of 77,000*l.* had become a permanent tax upon the suitor, that it was dependent upon the continuance of those offices, which consequently presented an invincible obstacle to all improvement, and that the result of their having been abolished was the payment instead of something less than 46,000*l.*, in the shape of compensation. The suitors of the Court had been permanently taxed by reason of the existence of these offices, and the object of this Act of Parliament was, by abolishing them, gradually to diminish the charge on the suitors, which, he was happy to say, had already been effected to a very considerable extent; 45,000*l.* having been awarded as compensation, of course that sum had to be provided for. There were certain fees which pressed heavily on the suitors, which were abolished. The Clerk in Court for every cause set down was entitled to the term-fee of 6*s.* 8*d.*; and the sum of 15,000*l.* per annum was realised from that source. In addition to this, there was a sum of 6*s.* 8*d.* upon every warrant of taxation, which amounted to 8,000*l.* per annum. These term-fees and fees on the warrants were abolished by the Lord Chancellor. Thus 23,000*l.* per annum had to be provided for, and the mode adopted which was considered least chargeable to the suitors, was to put a small additional fee on the pleadings, the copies in the Master's Office were raised from 1½*d.* to 4*d.* per folio, and to prove the care and caution used in the steps taken to abolish the old fees and institute new ones, the result of the calculation brought the sum raised to 77,071*l.* per annum, while the amount under the old

system was 77,319*l.* The permanent tax on this fund was 23,000*l.* per annum for the salaries of the new officers; the 45,000*l.* per annum would gradually diminish; as the lives dropped, of course there would be less compensation to bear. When the seven years were ended, in addition to the lives, all the compensation would be at an end, and the Suitors' Fee Fund would be permanently relieved from this enormous burthen of upwards of 45,000*l.* What was the object of this Motion? His hon. and learned Friend could not deny that the provisions of the Act of Parliament had been strictly fulfilled; but he proposed to unravel all the proceedings connected with the introduction and history of this Act of Parliament, for the purpose of calling on the House to repeal it. Now, no case whatever had been made out which would justify such an extraordinary course. If an Act of Parliament gave compensation to certain individuals whose offices had been abolished, even supposing a mistake had been committed, which he did not admit, would it be just or equitable to repeal a solemn act of the Legislature, and thus deprive the parties of all those advantages they expected to derive under the Act which abolished their offices? His hon. and learned Friend, although he had not directly made the charge, had insinuated that there had been some sinister motives at work in getting that Act hastily and clandestinely passed through Parliament. Now, let them see how the offices created by the Act had been bestowed. His hon. and learned Friend was quite correct in saying that the Six Clerks were appointed by the Master of the Rolls. They had or were generally considered to have, about 2,000*l.* a year. Their offices were abolished, and certain persons who were called Clerks of Writs and Clerks of Records were established by the Act with salaries of 1,200*l.* a-year; and these offices were in the gift of the Master of the Rolls. There were six Taxing Officers established also, and the appointment of those offices was vested in the Lord Chancellor. What had the Lord Chancellor done in reference to those offices? He had refused to make any selection on the subject, and he had referred the matter to the Commissioners. The result was, that four Clerks in Court and two solicitors were appointed as the new Taxing Officers. Now he would ask the House whether his hon. and learned Friend had satisfied them that, in the passing of that Act of Parliament, advantage had been taken of them, and that no attention had been paid to its provisions. He did say, for his part, that the Act had been framed with due caution, and by persons of experience and skill, who were not likely to be misled upon such a subject, or to neglect the public interest. He believed that no earthly advantage could be derived from the Committee for which his hon. and learned Friend had moved. He believed that the Motion of his hon. and learned Friend was worse than useless. He trusted that he had been enabled to show that his hon. and learned Friend had not fairly put before the House all the circumstances of the case, and that it had only been by keeping out of view the facts which he had thought it his duty to state, that he had been able to make a temporary impression on the House. He felt persuaded that the House would not consider that that was a proper case for the course proposed by his hon. and learned Friend.

Mr. *J. Jervis* thought his hon. and learned Friend, the Solicitor General, had added two very important facts to those which had been adduced by the Mover, and which called imperatively for inquiry into this matter. With respect to the nature of the claims of those who were or were not entitled to compensation, and its amount, his hon. and learned Friend had stated nothing new, but he had informed the House by whom and under what circumstances this Bill had been suggested and drawn. The construction which the Lord Chancellor had put on the Act he was bound to administer legally, he was prepared to show was inaccurate. A grave charge, not of commission, but of omission, had in his opinion been made out against that high legal functionary. He had allowed those deeply interested to settle their own emoluments—he took their construction of the Act, and carried it out accordingly; while he was bound himself to inquire into the legality of the fees. He admitted that those entitled should be fully and liberally, but not illegally compensated; but the profession, which was intimately acquainted with the working of the Act from the beginning to the end, and whose clients were paying enormously for the purpose of raising a fee-fund, denounced the Measure and called for inquiry, either to lull the suspicions which

prevailed, or, by showing them to be well-founded, to rectify the evil by a repeal of the Act itself. If the Measure had been so correctly framed and so deliberately passed, and if those who had received compensation were clearly entitled to it, why prevent inquiry? The profession and the public would not be satisfied without a searching investigation of this case. The precedent which would otherwise be established would be a most dangerous one, as applicable to all law reforms. He contended that the case in Ireland which had been quoted was not analogous. What was the nature of those offices which the Bill proposed to abolish? They were certainly most scandalous abuses, most detestable sinecures, which long since ought to have been swept away. The Six Clerks originally were persons admitted in the Court of Chancery, holding patent offices as the sole solicitors for managing the business of Chancery; and it was necessary originally that every solicitor who had business to do should do it through the agency of these parties, as had until lately been the practice in the Court of Exchequer. In progress of time, the solicitors carried on the business themselves, and the Six Clerks shared the emoluments. As business increased, it was necessary that these Six Clerks should have assistants, and by an Order of the Court they were allowed to have ten assistants each, making in all sixty. The same Order of the Lord Chancellor which allowed ten to each might have allowed them twenty. At one time they had fifteen each, and the very day before this Act of Parliament passed, the Lord Chancellor might have given every solicitor in England a seat in the Six Clerks'-office, by which means their fees would have been gone for ever. He denied that these sixty Clerks had any freehold interest in their offices. The Commissioners got the information from Mr. Jackson that the sixty Clerks had a freehold interest in their offices—he being one of the body to be compensated—and they immediately adopted his view of the matter without further inquiry, and awarded them compensation. He was surprised to hear from the Solicitor General that these offices were the subject of sale and transfer. That would have been directly in the teeth of two Acts of Parliament—the statute of Edward III., and the 49th of George III. Colourably to evade those statutes he was aware that negociations had been entered into, but the offices themselves were never the subject of sale or transfer. Besides the sixty clerks, there were also agents or waiting-Clerks, who were merely common clerks to the sixty Clerks, and had no more a vested interest than a law-stationer would have. The attorneys were bound to take from the sixty Clerks (reduced afterwards to twenty-five) office copies of all documents in the suit, for which they were charged 10*d.* a folio, and 2*d.* extra for having them examined. The waiting-clerks received 1½*d.* a folio for making these copies. The sixty Clerks had also fees on the taxation of costs, and 6*s.* 8*d.* every time a cause was in the paper. This last, at least, was originally the case; and, as in the time of Lord Eldon, the cause list was a lengthy paper, containing almost every cause before the Court, although one case frequently occupied several days, they used to receive their 6*s.* 8*d.* a-day upon each cause; but Lord Lyndhurst made an order that this fee of 6*s.* 8*d.* should not be paid unless the cause was set down for hearing and they themselves attended. This order, it was said, deprived them of 100,000*l.* a-year. Surely, if they had had any vested right, if they had been clearly entitled to these fees, Lord Lyndhurst would not have dared to make such an order, nor would they have submitted to it. Yet they were to be allowed to claim 1,300,000*l.* for compensation, and the House were told that the payment of the compensation was obligatory, and that there ought to be no inquiry into the justice of their claims. These agents or waiting-clerks, however, as he had said, had enjoyed a monopoly of the supply to the sixty Clerks of the office copies and they charged 1½*d.* a folio. What right had they to compensation, merely employed as an individual employs a law stationer? They had no more a vested right than any person would have who went into a stationer's as a copyist, and would hope to retain his situation as long as he was able to write well and conducted himself properly. The Solicitor General had said, that this Bill was sanctioned by a Committee of the Law Association. That body had notoriously taken an active part in the Measure, and were deeply interested in the result of it. Before the Bill, a country or London attorney in comparatively small practice might through his Clerk in Court, carry on a

suit in Chancery; but now the large agency offices must be resorted to for that purpose, and thus it was manifestly their interest to carry the measure at any price. Mr. Wainwright, himself one of those Clerks, drew the Bill, and he (Mr. Jervis) must say he could not suppose that, had the right hon. Baronet at the head of the Government been fully aware of the nature of the proposed compensations, he could scarcely have approved of thus letting the London attorneys and the sixty Clerks settle between them on what principle the offices should be abolished, and compensation awarded. Yet Mr. Wainwright, who himself received 7,000*l.* a-year by the change, was allowed to draw the Bill, and the matter was settled with the Committee of the Law Association, who, to say the least of it, as being attorneys, were exposed to some suspicion as to their position relatively to the affair. But, as the Solicitor-General had said, these matters were brought before the Committee, and Mr. Field, in a letter to the profession on the subject, gives as a reason for the compensation to the agents, that it was a reproach to the profession to see the respectable agents, formerly in the Exchequer, walking in the streets without means, and deprived of their employment. This, forsooth, was the ground on which a new principle was to be introduced—on which the Suitors' Fund and the public were to pay compensation to men who had never had any right to it, and on which all inquiry was refused. He must condemn the manner in which the Act had been introduced, drawn as it was by Mr. Wainwright, one of the Six Clerks, and negotiated and settled by the Law Association, who had a direct interest in the matter. Did his hon. and learned Friend mean to say that Mr. Pemberton Leigh had shared in the settlement of the Act? [The *Solicitor General.* "Yes."]—His hon. and learned Friend had gone to Ireland for a precedent; but, in the case he referred to, the offices were patent and saleable offices: so far from giving anything like the amount of the actual fees as compensation, the Act expressly directed that a Committee should be appointed to inquire into what were the legal fees, and the compensation was to be awarded on that principle. But in the Act of which he complained a totally new principle was introduced, and one totally at variance with that which had invariably been laid down and acted upon with respect to compensations. Why had not this been fairly stated to the House by those who introduced the Bill? Why had the measure been smuggled through the House? He maintained that it was hurried through with indecent haste. It was brought in on the 29th of July, and read a first time immediately. On the 1st of August it was read a second time, it not having then been printed. On the 2nd it was considered in Committee, when the Compensation Clauses were added (without their having been printed and circulated among Members) and those Clauses were not printed until the morning of the day on which the third reading of the Bill took place. What opportunity was given the House to ascertain the provisions of the Bill? It was a mockery to say that the Bill was deliberately passed, or that these Compensation Clauses came before the House in a way to allow of their being properly discussed in Committee. Was the Chancellor of the Exchequer—was the right hon. Baronet at the head of the Home Department—prepared to abandon that great principle of supervision in these cases of compensation which had been acted on in all Law Reforms, and also in the case of the Corporations? He said, give compensation to all who were fairly entitled to it; but he must add, that had the public interests been properly attended to, this Bill would never have been passed. All he asked for was inquiry. Let there be inquiry, if it were only to come to the conclusion that the old principle was a wrong one, and that the principle acted on in that Bill was a right one. If so, let it be adopted in future; but do not let one principle regulate all other cases, and a separate and a new principle rule in this single instance alone. He thought, notwithstanding the speech of the Solicitor General, that the public mind would not be satisfied on this subject without inquiry. With respect to these Six Clerks, he did not deny their right to compensation, though he thought it would be more satisfactory, if the right amount were properly ascertained. But where was the vested interest of the Sworn Clerks? He defied the Solicitor General to show an instance of their office being legally saleable or legally sold. He knew that a sort of sale had been effected; but it was by selling the connexion of the office and introducing the parties to the buyers. Again, it appeared that the compensations had been

arranged on unfair principles; fees which depended on the caprice of attorneys and on account of matters which were about to be finally wound up were made the basis of a calculation of compensation not merely to last during the life of the party, but seven years afterwards. The Equity Exchequer had been abolished—the officers of that Court compensated, and the business transferred to the Court of Chancery. For this, the public were again to pay in compensation to these officers. The Court of Chancery had been burthened with arrears, and new Judges having been appointed to clear off the business, the arrears thus disposed of, were taken as a general average of the profits of the Clerks. His hon. and learned Friend had told them that the Lord Chancellor had no option in the matter—that he was fettered by the terms of the Act. Why, the Lord Chancellor was empowered to examine on oath into the amount and average of the fees, and to determine on what compensation should be given,—the only limitation being, that the rate of compensation should be three-fourths of the amount on which the compensation was to be granted. Now, did the Lord Chancellor so inquire? [The *Solicitor General* had not said the Lord Chancellor was fettered.] His hon. and learned Friend might not in express terms have applied his remarks to the Lord Chancellor; but he left it for the House to understand that there was no discretion. Now, he contended, that the Act did not merely leave a discretion, but that it imposed a bounden duty on the Lord Chancellor to examine on oath as to the proper amount of the compensation to be granted. The public were very deeply interested in this subject, for the poor suitor, who ought to have justice cheap, was taxed in the charges of the Court, in order to pay these compensations. With regard to the agents, he had already said, he could not see on what ground they were to receive compensation at all. If they were now to be compensated, a crying injustice was done to those offices in the Equity Exchequer who had been similarly situated. A general principle was laid down, and it ought to be adhered to in all cases, however much individual suffering might be regretted. Were they prepared to adopt this principle in the case of future law reforms? If the hon. Member for Finsbury succeeded in his Motion with respect to the Ecclesiastical Courts, were they prepared not only to compensate proctors and agents, but also writing clerks? Were they prepared to give to the person who was a mere servant at the option of an employer, the same compensation they gave to the holder of a patent office? Far better would it be to encounter inconvenience than to perpetrate public injustice. It might be difficult to carry Law Reform without liberal compensation, but the price paid might deter the public from further attempt at reform. It was nothing to say, that a saving had been effected by this Measure. That saving would have been far greater had a different principle been acted upon—20,000*l.* at least. But the evil effect of this pernicious principle was evinced in the vicious system it had produced of burthening the already overburthened suitors with additional taxes, aggravating the mischiefs of the protracted procrastination of the proceedings in Chancery: 4 per cent. was levied on the total amount of costs taxed, and, instead of 8,000*l.* formerly received in the year from the taxing office, 30,000*l.* and upwards had last year been received thence, arising not from increase of business, but of fees. A few specimens of these impositions would exemplify their character. "Filing the bill," which used to be only a few shillings, had been increased to a pound. [The *Solicitor General*: The term fee made 14*s.*] And is not the augmentation to 20*s.* increase enough? So with the "filing the answer," which used to be 3*s.* 4*d.*, it is now 10*s.* [The *Solicitor General*: The term Court fee, made it up to 6*s.* 8*d.*] And is there not now (in addition to the accounts I am reading,) a lumping sum for all the items once again? [The *Solicitor General*: "No, no."] Yes, as he could show. Proceeding, however, with his specimens, he found such instances as these:—

	Former Fee.		Present Fee.	
	s.	*d.*	*s.*	*d.*
Filing Bill . . .	14	0	20	0
„ Answer . .	6	8	10	0
„ Demurrer . .	3	4	10	0
Setting down Cause .	7	0	21	0
Special Demurrer . .	18	7	31	10

And, above all, office copies of documents—which formed, of course, an enormous item of charge, owing to the immense extent of the documents—these, which used to cost only 1½*d.* per folio,

were now 4*d.*, being done by the stationer for 1*d.* Then, in addition to all this increase, there was the charge of 4 per cent. on the taxed costs; so that going through the taxing office, which used to cost some shillings, now must involve large sums (proportioned to the amount taxed) of 30*l.*, 40*l.*, 50*l.*, &c. It was, however, a fallacy to judge of the expenditure by the Returns which had been laid upon the Table of the House, for many fees formerly received by the Clerks of the Court, were now allowed to the solicitors. But one little yet significant circumstance sufficiently showed what an opinion was entertained by the framers of the Measure themselves—how much they felt it savoured of a private job. They had inserted in this, (a public Act), a clause enacting, that the cost of "procuring, preparing, and passing the Measure should be charged upon the Consolidated Fund." He felt this to be altogether a gross case of omission on the part of those who should have attended to, and examined the Measure; and he declared it to be his belief, that without inquiry, the profession, who knew all about it, and the public, who too fatally felt the evil effects of it, would never be satisfied.

Mr. *R. Yorke* observed, it would be exceedingly improper in any unlearned Member to go into so technical a subject; but he merely desired to declare that he had considered this Measure as extremely suspicious, and had consulted a lawyer of some celebrity, who asserted it was "advisable"—not at all an unaccountable affirmation, seeing that he had since discovered his "learned Friend" had got 1,500*l.* a year by the Bill. Now, however, he should deem it his duty to do all that he could for the public by supporting the inquiry, which never was, he considered, more imperatively called for than in the present instance, and he believed the Government would incur a heavy responsibility by resisting it.

Sir *J. Graham* declared, that though unversed in the technicalities with which, of course, the subject was more or less connected, he should feel it his duty to state shortly the ground supon which he opposed the Motion. He deprecated the idea that time gave sanction to abuses in the administration of justice; but time might give a prescriptive right, in law and equity, to recover fees not primarily legal. And with respect to the "Sworn Clerks" they were recognised as far back as 1668 (he believed), or soon after the Restoration. The question generally, however, might be divided under two heads—the circumstances attending the passing of the Measure, and the nature and operation of its provisions. The able speech delivered by Mr. Pemberton Leigh in 1840 upon Chancery Reform, had recommended the abolition of the offices alluded to, to be accompanied by fair and liberal compensation. And one of the first acts of the present Lord Chancellor, on his accession to office, was to appoint as a Commission on the subject Lord Langdale, Mr. Pemberton Leigh, Vice-Chancellor Wigram, and Mr. Sharp, who were responsible for the Measure—the result of these deliberations—whoever's was the hand that drew it up. The Chancellor being, after he introduced it, unable, from ill health, to attend to it, it was passed through the Lords mainly under Lord Langdale's supervision, with the concurrence and cognizance of an eminent equity authority, Lord Cottenham; and their attention was specifically drawn to the particular provision complained of; nor was it at all true, that the Measure had passed with any precipitation or carelessness through the Lower House. In the absence of his right hon. and learned Friend the Attorney General of that day—now the Lord Chief Baron—he might be permitted to observe what he was sure would elicit the approbation of the House—that, if ever there was one who, in discharging the duties of the high office of Atttorney General, conducted himself with perfect propriety on all occasions, it was his right hon. and learned Friend, who was utterly incapable of attempting to impose upon, or mislead the House. [Mr. *R. Yorke*: "Yes; but he had a prepossession for the Bill."] Sir,—continued the right hon. Baronet—I am never sorry to be interrupted when I understand the precise nature of the interruption; but, if all the hon. Gentleman means is, that my right hon. and learned Friend had "a prepossession for the Bill," why, of course he had,—seeing that as law officer of the Crown it had been his duty to consider the Bill, and he had approved of it. His "prepossession" therefore, was the inevitable result of reflection. The Measure had attracted the attention of the great guardian of the public purse, and also of the learned Member for Liskeard, who had actually considered that compensa-

tion was not carried far enough. Now, with all respect for the learned Member for Chester, certain of his statements were quite unfounded; as, for instance, about the offices in question never having been legally saleable,—when in fact the sale had been recognised regularly in the 14th Clause of the Act. Then, as respected the giving compensation to the agents, as a precedent for that, he would cite at once the Act of 3rd and 4th of William IV. Far from the Bill having been smuggled through Parliament, it had been fully considered, and with that view sent to the Law Association. He was quite satisfied, that it could not be fairly represented that this Measure was smuggled through Parliament, or that it was surreptitiously passed. The Measure was prepared with the sanction of high legal authorities, and therefore the case resolved itself into the question whether or not the provisions of the Bill had been carried fairly into operation. The power to adjudicate on the amount of compensation to be given was vested in the Lord Chancellor. That noble and learned Lord called to his aid the assistance of the Master of the Rolls, and Vice-Chancellor Wigram; he investigated the title to these fees, and decided that they were legal; and his award, which was in the nature of a judgment, admitting the fees to be legal, was the minimum compensation allowed by the Act of Parliament. There was no question that 6,000*l.* a year of the gross sum previously paid by suitors had ceased to be received, and, progressively, in the lapse of time—say about twenty years—45,000*l.* a year, or two thirds of the whole amount paid before this Measure was introduced, would be remitted. Two branches of fees had been abolished—the fee on taxation and the term fee. On the whole, he could not think, after these enactments had been deliberately passed by both Houses of Parliament, that any inquiry which the House could now institute would have any other effect on the public mind, than to induce it to regard the Motion as an impeachment of the conduct of the noble and learned Lord holding the Great Seal, against whom it was not alleged that he had committed any abuse in the administration of the law. For these reasons he should resist the Motion.

Mr. *Williams* wished to ask whether the legal Gentlemen, whose names had been referred to, had sanctioned the payment of 7,000*l.* a year to a Clerk, and 2,500*l.* to four of them, for seven years after their death?

Sir *J. Graham*, in answer to the question, said, that by the 14th Clause, which he had read and the House had sanctioned, giving compensation for the right of sale and transfer, the attention of Lord Cottenham had been expressly called to that particular enactment before it became law. That particular provision had been framed by Lord Langdale, by Mr. Pemberton Leigh, Mr. Sharpe, and Vice-Chancellor Wigram. That was before it became law. Since then the amount had been fixed by the Lord Chancellor, aided by the Master of the Rolls and Vice-Chancellor Wigram.

Mr. *Williams* remarked that the right hon. Gentleman had not answered his question.

Sir *J. Graham* observed, that the House and the public had been in full possession of information on this subject. Mr. Pemberton Leigh, in his speech made by him in that House on a former year, had particularly referred to the emoluments of one individual as being 8,000*l.* a year, and there had been, also, a return moved for, by the hon. and learned Member for Cockermouth, stating the whole of the emoluments of these persons. That return had been laid on the Table of the House.

Mr. *Williams* said that, unless they introduced a better system of passing Bills through that House, it would be impossible to prevent jobs of this kind. There was no one, he was sure, but must admit that every one of these persons had received enormous compensation. It was monstrous to think that a clerk, sitting in Chancery-lane, and working for five hours a-day, should be paid for what he there did 1,500*l.* a-year more than the First Lord of the Treasury, and 2,500*l.* more than the right hon. Gentleman himself, who certainly worked more than twelve hours a-day. This was now shown to be a great job; and, looking to its character and the manner in which it had passed through that House, it became the duty of the Government to support the Motion.

Mr. *C. Buller* was prepared to defend the vote which he was about to give that night in support of Her Majesty's Government, and against the first part of the Motion of the hon. Member for Kinsale. He must say that the House would discuss this question in a very vague manner, if it

considered it upon the grounds alone that had been urged by the hon. Member for Coventry, who could see nothing in it but an addition to the taxation of the country, and who, in his desire to carry out his views of economy, would throw aside all other considerations of the question. He, on the contrary, asked of them to look at the general question of Law Reform? He asked of the House to consider what were the important interests that were concerned in a reform of the law, and how much the happiness of individuals and the prosperity of the country were involved in the present mode of procedure in these courts of law and equity? He asked of them to consider how much the evils in litigation were aggravated by the cumbrous and bad modes of procedure, and how much of those evils might be mitigated by reforms, which, when carried out, must affect the interests of individuals? It was on these grounds that he had taken the part he had done on the Motion with regard to Mr. Scarlett and the Exchequer Clerks; and he did say, that if they were honest about the subject of Law Reform—if they were serious in their desire to carry that Reform into effect—then they must not encumber the great question of Law Reform by exciting against them the hostility of vested interests. They had already to contend against the prejudices of those who were wedded to the present practice of the Law. They had against them the prejudices of those who thought that the Law as it was at present was perfect; and they had, too, to contend against the prejudices of every one whose livelihood depended upon the present administration of justice; and he therefore said, in addition to all those impediments, let them not allow pecuniary considerations to stand in their way, when these Law Reforms must affect those who had vested interests in the existing system. If the House were in earnest in its Law Reform—if it were serious in this work—then it ought to lay down the principle that it would be liberal in its compensation to those who had vested interests, or what were to be treated as vested interests. He came now to the present question. It had been denounced as a job by the present Government, whilst he knew that the whole of it had emanated from persons who were as sincere law reformers as the country had ever seen. When he had interrupted the right hon. Gentleman opposite in the course of his speech, it was for the purpose of intimating his opinion, that the Gentlemen named by the present Lord Chancellor, with powers to inquire and propose Reforms in the Courts of Equity, were not nominated solely by the now Lord Chancellor, but were intrusted with the same duty by Lord Cottenham. When, then, they assailed this plan, they were assailing a plan devised by four honest, competent Reformers, acting not solely under the sanction of Lord Lyndhurst, but also of Lord Cottenham. The charge made was as to the amount of compensation; but they ought not to look to that alone. They ought to see what was the whole of the change made, and whether it was worth the expense. He did not mean to expatiate on the advantages of the change that had been made. It was, he thought, obvious to every one who inquired into the matter. He did not advocate the increased expense by the plan, for the public had to pay no more than it did before. But what was the great difference between the present and the old plan? That they had substituted an annuity in place of a permanent payment. The sum paid was constantly diminishing instead of there being an increase to it. 77,000*l.* was paid under the old system, 76,000*l.* was paid under the new, and in the course of eighteen months that sum had happened to be diminished by 6,000*l.* They had then, that much saved already, with the certainty that more would be saved hereafter. Gentlemen had been pleased to say, that as to these officers and their fees, they could not see what right they had, to claim compensation for them. Now, he did say, that if ever they meant to carry out reform with the consent of persons interested in the present administration of the law, they must adopt liberal views of compensation. If they let it be known that such were their views, they would find the way facilitated for them in working out the system of reform. He had been told, for instance, by persons connected with the Court of Chancery, that since this Act had passed, there never had arisen a question as to the working of it out; whereas, in every other Act of the same kind, there had arisen innumerable questions of litigation. Instead, then, of this being, as it has been designated, a job, it had been recommended by persons who had no interest in it, who had acted from no political bias, and whose only

desire was to effect a reform in the law. There was another part of the Motion—that which professed a general inquiry into the general taxation arising out of costs in the Courts of Law and Equity, and the payment of fees. This really was a subject which was well worthy of inquiry in that House. The mode of taking fees in these courts did require investigation. It was very desirable, in the first place, that wherever fees were taken, no opportunity should be afforded for peculation. It was, too, a great object that the number of fee-takers should be as few as possible. It would be found that in these Courts of Law and Equity there were 203 persons receiving fees, to the amount of 300,000*l.* per annum, and of these several had small incomes. He must say, then, that if the House continued the custom of taking fees, they ought to diminish the number of fee-takers, for the purpose of preventing peculation. This was a large question for consideration. Why did they take any fees from the suitors in Courts of Law and Equity? If he were knocked down in the street, he had not to go to the expense of paying a police-officer, the police-officer employed by him to give him relief was not feed by the individual, but salaried by Government. Nobody could pretend that the expense of the police was paid by the individual; and why, then, he asked, if he had the misfortune to have a right unjustly refused, or a right unjustly assailed, was he to have the whole of the expense of that which was for the benefit of the public? If he vindicated his right, it was for the benefit of the public, and they ought to guard him in doing that, as a matter of policy. The whole system of fees was as bad as possible, and the object of good government should be to abolish the evil. He wished, therefore, to see this subject inquired into. This portion of the Motion had his support, whilst he felt it to be his duty to vote against the first part of it, as affecting a Law Reform which was useful and advantageous to the public.

Mr. *Warburton* remembered, he said, to have once read in the memoirs of the Duc de Saint Simon, that Louis XIV. was anxious to introduce a reform into his laws; but upon consulting with his Chancellor, the Chancellor said, "If you carry your law reforms into effect, there are so many clerks, and so many officers to be dismissed, and to be deprived of the emoluments which they now enjoy under the present system, that I cannot reconcile it to myself to be guilty of such hard-heartedness towards them;" and in this way the reform of the law was abandoned in the reign of Louis XIV. Such seemed to be the feeling of the hon. Member for Liskeard on this subject; for he was so afraid of doing injustice to those who held office, that unless they gave unlimited compensation to such persons, he was not willing to enter upon the question of law reform at all. He did not agree with the hon. Gentleman, for if they gave monstrous compensation to individuals, whether they were entitled to it or not, they would disgust the public with the principle of law reforms. He had heard the First Lord of the Treasury refer, not by name, to this particular case; but on the question of compensation he had heard him refer to this subject—when speaking of the enormous compensation they gave to public officers, and expressing on that occasion almost a disinclination to the money clauses in such Bills, because of the enormous compensation which they awarded in particular cases. As to the great names that had been mentioned as belonging to the Law Commission, he knew of their high character as well as his hon. Friend. But what had they to do with this compensation? They took up the whole question of Law Reform—they devised the plan by which it was to be carried out—but what had they to do on that account with determining the actual amount of the compensation? It appeared clear, from the admissions made to-night, that the Lord Chancellor had the control over them. This enormous and exorbitant amount of compensation was completely under the control of the Lord Chancellor. The extreme point of the enormous fees of the Clerks was taken. The annual income of these individuals was estimated at the extreme point, and by that was determined the amount of compensation to be received by them. This sort of Law Reform, he said, would disgust the public with the very name of Law Reform. Everybody admitted the principle of compensation, and that the Law Reform could not be carried into effect without it. The hon. Gentleman who brought forward this Motion said they ought to award compensation; but then it should be a just compensation. The sole question, however, was, was the compensation that had been awarded a

just compensation? When they heard that the Bill in this case had been brought into the House on the 29th July, and that it was read a third time on the 5th August, every one must know how little time and attention could have been bestowed upon it. What prospect, at such a time, was there for an hon. Gentleman in opposing the Bill, of drawing attention to it, when the House and the country were alike exhausted with the discussions in Parliament. Considering as he did that the whole responsibility of these proceedings rested with the Government, he thought that they were bound to vote for this Committee, in order that at least, if they could not undo the Measure which had been passed, they might ascertain what abuses were carried on under it.

Mr. *Watson* replied. With respect to the objection to this inquiry, he asked why were these Returns ordered by the Act 5 & 6 Vict. c. 103, to be presented to the House, if it was not competent to them to investigate them. Neither of the hon. and learned Gentlemen who had opposed his Motion had answered any of the principal grounds by which he supported it. He asked again, why Mr. Wainwright should be paid 339*l.* by the country for drawing, preparing, and passing this public Act of Parliament, which imposed a charge of one million sterling upon the public? It was as bad as making a criminal pay for a gallows. It was pretended that the fees of the Clerks in Court were of a permanent nature. He denied it altogether. The Lord Chancellor might have altered them, and he should have done so, and they would have had no compensation. Moreover, no Clerk in Court could compel the Solicitors to employ him. Their business was dependent on the favour of the Solicitors. They had been altered from time to time, and were in reality not worth ten days' purchase. It was said by the Solicitor General that these fees had fallen off since the change. This also he denied. He maintained that they had been increased very considerably, and he had shown it by figures from the Returns on the Table of the House. The Taxing-Masters were put down at 2,000*l.* a-year, whilst those belonging to Courts of Law, and who had a great deal more to do, got only 1,200*l.* a year. He went into a detail of the duties of the Common Law Masters and contrasted them with the duties of the Taxing Masters in Chancery, and contended that the former had more onerous duties. It was the duty of the right hon. the Secretary for the Home Department to have looked into these compensation clauses before he allowed them to be proposed to the House upon his authority. As to the compensation after death to the Six Clerks in the Chancery in Ireland.—it was strange that it was necessary to import jobs from Ireland—but the cases were dissimilar, those were Patent Offices legally bought and sold. Here the Clerks in Court held no office, and they could not by law sell them; it was against the Statutes 5 & 6 Edw. 4, cap. 16; 46 Geo. 3, cap. 126. In conclusion, he must say that he was surprised that any opposition should be offered to this inquiry. The hon. and learned Member for Liskeard said that it would suspend the progress of Law Reform; but he, for one, should suspect all Law Reform if such things were allowed to accompany them.

The House divided on the Motion: Ayes 68; Noes 84—Majority 16.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Bannerman, A.
Barnard, E. G.
Bellew, R. M.
Berkeley, hn. Capt.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Butler, P. S.
Collett, J.
Corbally, M. E.
Crawford, W. S.
Dalmeny, Lord
Dennistoun, J.
Duncan, G.
Ellis, W.
Elphinstone, H.
Esmonde, Sir T.
Ewart, W.
Fielden, J.
Ferguson, Sir R. A.
Fox, C. R.
French, F.
Gill, T.
Granger, T. C.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Heron, Sir R.
Hill, Lord M.
Hutt, W.
McTaggart, Sir J.
Marsland, H.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Murphy, F. S.
Napier, Sir C.
Norreys, Sir D. J.
O'Ferrall, R. M.
Pendarves, E. W. W.
Pldmridge, Capt.
Redington, T. N.
Rice, E. R.
Roebuck, J. A.
Russell, Lord J.
Scott, R.
Smith, rt. hn. R. V.
Stansfield, W. R. C.
Stuart, Lord J.
Talbot, C. R. M.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.
Watson, W. H,
Jervis, J.

List of the NOES.

Alford, Visct.	Hepburn, Sir T. B.
Arkwright, G.	Hope, G. W.
Astell, W.	Hornby, J.
Bentinck, Lord G.	James, Sir W C.
Blackburne, J. I.	Jermyn, Earl.
Boldero, H. G.	Knatchbull, rt.hn.SirT
Borthwick, P.	Lawson, A.
Botfield, B.	Lincoln, Earl of
Boyd, J.	Lockart, W.
Briscoe, M.	Mackenzie, W. F.
Broadwood, H.	Marsham, Visct.
Buckley, E.	Meynell, Capt.
Buller, C.	Nicholl, rt. hon. J.
Clerk, Sir G.	Northland, Visct.
Compton, H. C.	Packe, C. W.
Connolly, Col.	Palmer, G.
Copeland, Ald.	Peel, rt. hon. Sir R.
Corry, rt. hon. H.	Peel, J.
Cripps, W.	Plumptre, J. P.
Damer, hon. Col.	Polhill, F.
Darby, G.	Pringle, A.
Denison, E. B.	Rashleigh, W.
Doughlas, Sir C. E.	Richards, R.
Dowdeswell, W.	Round, J.
Eaton, R. J.	Shaw, rt. hon. F.
Eliot, Lord	Sheppard, T.
Escott, B.	Sibthorp, Col.
Farnham, E. B.	Smith, rt. hon. T.B.C.
Forbes, W.	Somerset, Lord G.
Forman, T. S.	Stewart, J.
Gaskell, J. Milnes	Sutton, hon. H. M.
Gladstone, rt.hn.W.E.	Taylor, E.
Gordon, hon. Capt.	Thesiger, F.
Goring, C.	Thompson, Ald.
Goulburn, rt. hon. H.	Tollemache, J.
Graham, rt. hn. Sir J.	Trench, Sir F. W.
Greenhall, P.	Verner, Col.
Greene, T.	Vivian, J. E.
Grimsditch, T.	Whitmore, T. C.
Halford, Sir H,	Young, J.
Hamilton, W. J.	
Harris, hon. Capt.	TELLERS.
Hayes, Sir E.	Fremantle Sir T.
Heathcote, Sir W.	Baring, H.

POOR-LAWS—(IRELAND).] Sir *Denham Norreys* brought forward, pursuant to notice, his Motion for the nomination of the Select Committee on the working of the Poor Law system in Ireland, granted by the House on that night fortnight. The House and the Government had already agreed to the appointment of the Committee that he then sought to have nominated; but he understood that it was, notwithstanding, the intention of the Government, on that occasion, to resist his Motion. It had been said that the Committee which he wished to have appointed was intended to act in hostility to the Poor Law system in Ireland, but he had utterly to deny that the subject had been brought before the House under any such spirit or feeling. He required the House to do no more than had been done with regard to the English Poor-Law, with respect to which a Committee of Inquiry had been appointed before it had been more than three or four years in operation. The present Poor Law had been at that time introduced into England as an experiment, to ascertain how far the expenses of the former system could be reduced, and the House granted an inquiry as soon as it was required, for the purpose of ascertaining how far that experiment had succeeded. The Irish Poor Law was introduced still more avowedly as a mere experiment, and all he asked on the part of the people of Ireland was for a similar Committee to that given for England, to inquire how far it was likely to succeed, and what alterations and improvements it would be advisable to have made in it. The Government, however, had now decided on refusing to allow such an inquiry to be made, and he would assert that that refusal was made in the most improper manner and on the most unsubstantial grounds that could possibly have been devised. They first granted the Committee, and then because his right hon. Friend opposite thought proper to object, they were about to rescind their former act. He would repeat they had no other ground whatever to justify their change of opinion, or to warrant them in rescinding their own act solemnly agreed to only a few days before, save the objection raised by the right hon. Gentleman the Member for the University of Dublin, and the allegation that some half dozen of Irish Members—or, he was reminded by an hon. Friend near, a still less number—had expressed themselves unfavourable to the appointment of a Committee at the present period. He would say that as the Ministers of the Crown, they had a right, if they thought the time had come for an inquiry for ascertaining whether the experiment had worked well, to have followed out their intention despite any opposition they might have met with from individual Members; and if they were of a contrary opinion, and thought that the time had not arrived for making that inquiry, then they should not in the first instance have consented to the appointment of the Committee. He contended that the reasons which he had heard from his hon. Friends who had opposed his Motion appeared to be altogether inapplicable as arguments why an inquiry should not take place,

whatever weight they might have if used against a Motion for the entire subversion of the Poor Law system in Ireland. The right hon. Gentleman had opposed his Motion because he had heard from one or two respectable Gentlemen in Dublin that the system was working well in their districts; but it should be borne in mind that there was probably no system of law so bad that by great pains, it might not be attended with some beneficial results in particular localities. Much stress had also been laid on the fact of public attention in Ireland not having been so much directed to the question of Poor Laws during the present Session as in the preceding year; but it appeared to be forgotten that the public mind in Ireland had been latterly so much engaged with another subject as to have left no time for consideration upon anything else. The Irish people appeared to have for a time gone to sleep on the subject of the Poor Law, but that was no proof that the system was becoming more popular in the country, or that the people were growing more reconciled to it; and he would add, that he did not think the opposition given to the appointment of the present Committee calculated to render the system more agreeable to the people than before. It was said that the Bill of last year had not yet been tried, but he was willing to let that measure of the last Session be regarded as being so perfect that no room for improvement was left in it, or else as being the most useless and worthless amendment ever introduced to any law; and in either case he was prepared to contend that there were still ample grounds why the Committee ought to be appointed. He held in his hand an account which he had received from a Poor Law Union in the south of Ireland, that gave a rather curious illustration of the success which was likely to attend the Act of last year. The principal feature in that Act was the exclusion from liability to the rate of 4*l.* occupiers in the rural districts, and of 8*l.* occupiers in the municipal districts; but in both cases all persons who hold by lease, even when under the prescribed amount, are made liable, and he wished to show the consequences that were likely to result from that exemption. In the Cork Union, which was that from which he had received the return alluded to, it appeared, that the reviser of rates for the Union, had been called before the Board of Guardians, and asked how many persons had served notices on him to have the tenants' names inserted instead of those of the landlords, in consequence of the tenements, though valued below 8*l.*, being held by lease. His reply was, that he had as yet received no fewer than ninety-four such notices. He was then asked, how long these applications would continue to be made, and he said for about twelve months, and that he expected they would amount altogether to about 12,000. He did not think there could be a stronger proof given of the manner in which the measure of last year was likely to operate, than that which was there given. He thought hon. Gentlemen who opposed the appointment of the Committee on the ground of the Measure of last Session not having yet had a fair trial, were confounding the mere mechanical working of the law with the great results that were likely to ensue from the system. He was anxious to take that opportunity of stating the views on which he had originally moved for the appointment of the Committee, and which, he did not bring forward in the first instance, because he thought it would be better to allow the Committee, if it were to be appointed, to enter upon their labour free and uncontrolled by any discussion that might have taken place in the House before their appointment. In the first place, he thought that a Committtee appointed to inquire into the subject of Poor Laws in Ireland would have to consider the grounds which the noble Lord (Lord John Russell) had put forward as their basis when they were first introduced by him. He thought the Committee should take into consideration what those grounds were—what were the results that had actually taken place—and how far those results had corresponded with the anticipations which the noble Lord had held out. The noble Lord on that occasion made use of a kind of circle of arguments to show the cause of distress existing in Ireland. He had stated that there was distress because there was want of employment—that there was want of employment because there was want of capital—that there was an absence of capital because there was an insecurity for property—and that insecurity existed because, there was destitution in the country. The noble Lord having thus made the cause of the distress in Ireland his own (and he always remedied the evils which he did make his own), discovered by that manner

of argument the necessity of a Poor Law in Ireland. Having ascertained the existence of that magic circle, he thought he was conjuror enough to break the ring, and thus to remedy the entire mischief. He thought that by removing a single link of the circle all the evil would be cured, and he therefore supposed that all that was required to remove the spell that hung over the country was to put an end to destitution by the introduction of a Poor Law, and that security being thus established, capital would flow in and employment become general. How far these views of the noble Lord were borne out by the result would, he thought, form one legitimate ground of inquiry for the Committee; for though the law had not yet come generally into operation throughout the country, still he was sure the noble Lord (Lord John Russell) would allow that there were sufficient means of testing the effect which it was calculated to have, both on the destitute and on the industrious classes. If the Committee found that the destitution relieved in the workhouse, was not the description of destitution which the noble Lord had anticipated —that prostitutes and their children were principally the women who sought workhouse relief—and that, where the system had been in operation for three or four years, the effect often was, that the wife was deserted by her husband, for the sole purpose of breaking those ties that bound him to industry and exertion, in order to throw his family upon the Union—if the Committee discovered such results as these to be the consequence of the system, it was not to be supposed they would come to the conclusion that Poor Laws should be done away with altogether, though they might be inclined to ask if the discipline of the workhouse was such as to counteract the tendency to idleness, and they would probably ascertain whether industry and good habits were sufficiently inculcated in the workhouses at present. This might lead them to inquire whether workhouses were at all the best mode of relieving the destitution of the country. They would also probably find that if the workhouses were all filled, they would contain somewhat about 50,000 children and young persons—the workhouses being calculated to hold 100,000 persons—and would it not be a fit subject for inquiry by the Committee, to ascertain whether those children were trained in the workhouses in such a manner as to render them useful members of society, when they were afterwards sent forth into the world. Would it not be important for the Committee to examine whether the system of training children in the workhouses was such as was likely to make those children skilful agriculturists or able artizans, or to make the young women become good servants and useful members of the community in after life. Another subject of inquiry he thought should be, the manner in which the expenses of each Union was borne by different districts. They would find that in some Unions, particular districts paid as much as 2*s.* 6*d.* in the pound, while the other districts paid nothing at all. They might then inquire, if there was anything connected with the past management of property in particular districts requiring explanation, and whether any justifiable reasons existed, why one portion of the property of a Union should be taxed more than another. Again, one of the chief misfortunes of Ireland was, that some localities were subject to periodical returns of famine and of disease, and it would be important for the Committee to inquire how these returns might be best averted. Another important subject for investigation would be that of vagrancy, as one of the reasons on which the noble Lord founded the introduction of the Poor Laws into Ireland was, that they would act as a species of police system in putting an end to the bad habit of paupers moving from place to place, by means of which the entire population was likely to be corrupted, and the introduction of capital prevented. It would be a question for the Committee to consider whether it would not be practicable to introduce a system of vagrancy laws even without the existence of Poor Laws. There were many other matters of detail which he need not trouble the House by going into, but which would form ground for most useful inquiry before the Committee. Such, for instance, as the subject of the Union accounts, which he could defy any gentlemen who had devoted his attention to the subject to approve of as satisfactory. He found that the maintenance of each pauper in the workhouse, cost the country from 6*l.* 10*s.* to 7*l.* annually, but the right hon. Gentleman (Sir James Graham) would recollect, that that sum was altogether exclusive of the sum expended in the building

of the workhouse. He would venture to challenge the noble Lord opposite (Lord Eliot), to show that paupers were maintained for less than 7*l.* each in workhouses, and if 100,000 paupers be supported in all the Unions in Ireland, the expense on the country will be 700,000*l.* But in addition to that sum there was 1,300,000*l.* expended in erecting the workhouses, the annual charge on which might be considered to be 40,000*l.*, thus leaving 740,000*l.* as the annual cost of supporting the 100,000 paupers. If they tested the workhouse system in that manner, what result did they arrive at? He believed no gentleman would deny that a family consisting of a husband and wife, and five children, would be very far, indeed, from destitution—such destitution as exists in Ireland—if the man earned 10*d.* a-day, and two of his children 5*d.* a-day each at permanent employment, making for 300 working days at 20*d* a-day for the entire family, about 22*l.* 10*s.* a-year. Such a sum would support that family in comfort out of the workhouse, but if those seven persons received workhouse relief, they would cost the Union 49*l.* a-year. If they applied the same calculation to the 740,000*l.* they would find that instead of supporting 100,000 persons, it would be sufficient to support more than twice that number. These were some of the reasons that made him doubt whether the Poor Law that had been introduced into Ireland was the most useful that could be devised for that country. If the Committee were appointed, he had no doubt many persons would be found willing to come before it, who would probably be able to substantiate very serious charges against the Poor Law Commissioners, but independent of that portion of the inquiry, he thought it most important that the Committee should be appointed to consider the probable results of the general working of the system, how far it was likely to meet the objects for which it was intended, and what were the abuses that had crept into it. As he understood that there would be no Committee appointed, he had only to hope that there would be more unanimity found existing among Irish Members on the subject, whenever it was again introduced before the House. After mentioning some other instances in which the present law required inquiry, the hon. Baronet concluded by observing that, instead of endeavouring to select a system of Poor Laws that would be best adapted for the condition of Ireland, they had applied their own patchwork system to that country, not because it was the most useful, but because they had it ready at their hand at the moment. His Motion was, that the Committee on the Poor Laws in Ireland should consist of the following Members:—Sir Denham Norreys, Lord Eliot, Mr. More O'Ferrall, Mr. Young, Mr. French, Viscount Bernard, Mr. John O'Connell, Lord Claude Hamilton, Mr. Tuite, Mr. Shaw, Lord Courtenay, Mr. Vesey, Sir Edmund Hayes, Sir Arthur Brooke, and Mr. E. P. Shirley.

The question that Sir D. Norreys be a Member of the Committee having been put,

Mr. *Bellew* considered that there were already before the House proofs of the working of the Poor Law in Ireland; and, fearing that the proposed inquiry would only tend to lessen the confidence of the people in that law, or in any improvement in its operation, he objected to the nomination of the Committee. He agreed that the Commissioners had failed in carrying out the instructions contained in Lord J. Russell's Letter, in which he advised the Commissioners to conciliate the feelings and prejudices of the people on introducing the law, and to that circumstance he attributed much of its unpopularity. The law had, however, been attended with some good results, and had been beneficial in bringing the upper and lower classes into a more intimate connection, and he was confident the people were becoming more and more reconciled to it.

Sir *J. Graham* hoped that the hon. Baronet (Sir D. Norreys), having delivered his speech, would now be more at ease. With respect, however, to the Motion, he was anxious to call the attention of the House to the circumstances under which he felt it to be his duty to refuse the proposed inquiry. The House would be aware that an extensive alteration of the Irish Poor Law had passed in the last Session of Parliament, and that the Measure had gone up to the House of Lords, at a period of the Session so advanced, that it would have been impossible for it to become law if any great amount of opposition had been offered to it—and that an assurance was in consequence given to the other House that, if any general wish should be expressed on the

part of Irish Peers and Irish Members for an inquiry into the operation of the law during the present Session, such a proposition would not be opposed by the Government. Such an assurance having been given in the other House, he did not think he would have been justified in refusing the inquiry, had he found a general feeling in favour of it on the part of the Irish Members of both Houses. But how stood the fact? In the House of Lords no wish had been expressed for the appointment of a Committee, on the part of the Irish Peers; nor had any such Motion been made; and in the House of Commons, so far from there being a general feeling in favour of the inquiry on the part of the hon. Gentlemen connected with Ireland, they found the hon. Member for Waterford, the hon. Member for Donegal, the hon. Member for the Queen's County, his right hon. Friend the Recorder of Dublin, and a great many other hon. Gentlemen connected with that country, and taking a deep interest in its welfare, decidedly objecting to any such investigation, as tending to impede and throw difficulties in the way of the working of the Poor Law. Under these circumstances, being of opinion that it would be most unwise to disturb the Amendment of the Law, which was passed last year, and that it would be equally unwise and unnecessary, now to enter into such a voluminous inquiry as that proposed by the hon. Baronet—an inquiry involving not only every detail in any way connected with the law, but the whole policy of the Poor Law itself—considering that to enter upon such an inquiry now would tend materially to disturb and impede the operations of the Amendment Act so lately passed, he felt it his duty to oppose the Motion.

Mr. *French* said, the course Her Majesty's Government was about to pursue, appeared to him as novel, and as much opposed to precedent as the reasons the right hon. Baronet, the Secretary of State for the Home Department, had been pleased to assign for its adoption. A Committee had been appointed by the House of Commons to inquire into and report on the operation of the Poor Law in Ireland. This inquiry had been suggested and sanctioned by Her Majesty's Government. The right hon. Baronet himself had fixed upon the names of the persons by whom that investigation was to be carried out, and now, flushed with recent triumph, in opposition to the wishes of the hon. Baronet, on whose Motion the Committee had been appointed—he called upon the House at his mere will and pleasure to stultify its proceedings, and without a single reason adduced to rescind its own order. The right hon. Baronet endeavoured to convey to the House that he was acting in deference to the wishes of his supporters. It might be so, as his hon. Friends appeared to imagine, but they must admit it was a course foreign to the usual policy of Her Majesty's Government, who, since their advent to power, had not introduced any Measure in accordance with or in deference to the feelings of their party. Was it in deference to the feelings of his supporters that the right hon. Baronet at the head of the Government brought forward his uncalled-for Tariff, a Measure by which the agricultural interest had been so severely injured, without the manufacturers being in the slightest degree served? Was it in deference to the wishes of his supporters, that the noble Lord, the Secretary for the Colonies, forced through that House his Canada Corn Bill—and notwithstanding the inexplicable, and to the character of the House, damaging victory of the night before, the Factories Bill? After three defeats, the hon. Secretary for the Home Department would scarcely venture to class his Twelve Hours' Labour Bill amongst measures sought for by his political adherents. Hitherto in legislating for Ireland, from an absence of that knowledge so essential on the part of the Legislature, of the feelings and habits of the people, for whose benefit the laws were proposed to be made, or perchance from a total disregard of both, scarcely any measure received the sanction of Parliament which did not contain in it some provisions calculated to keep alive that early feeling, that law was to them an instrument of oppression, rather than a source of protection. Was the course Her Majesty's Ministers were now about to pursue, that night likely to weaken or remove that impression? A law neither suited nor suitable to the country, based as they themselves admitted on unfounded predictions, and on inaccurate calculations, has at all hazards to be maintained. A Law by which every existing evil of which the Irish people complained had been aggravated, was neither to be altered, nor inquired into, because some three or four

Members in that House were enabled to state that it was not in their districts, as it was elsewhere, generating insurrection. He defied these Gentlemen, or any person else, to show that in any portion of the country it was administering the relief which the destitution of the people required. The right hon. Baronet could not have assented to this Committee in ignorance of the light in which the present Poor Law was regarded by the Irish people. The resolutions of Boards of Guardians, of Grand Juries, and of other public bodies, had told him how inapplicable the law was to Ireland. The employment of seven thousand or eight thousand bayonets in forcing in a few hundred pounds of Poor Rate, must have shown him how distasteful it was to the peasantry. The extraordinary and unprecedented agreement on this question of the press in Ireland, differing as it did on every other subject, ought to have convinced him that the condemnation of this law was unanimous. The *Evening Mail, Post, Pilot, Freeman,* all concurred in regarding it as a puny and imbecile tampering with a great moral evil. The *Monitor,* a paper supposed to represent the views of the moderate party in Ireland, thus speaks of it—

"It is admitted the law does not work well—that it is unpopular—that it is in many points unjust in its pressure—that it is a heavy tax, requiring the presence of an armed force amongst an excitable people to collect it—that its machinery is cumbrous, expensive, and inoperative—that the relief afforded is comparatively trifling, and unwillingly, nay, thanklessly received. That it reverses the attribute of mercy, neither blessing him that gives nor him that takes. But, although these things be admitted, it is useless to hope for any remedy for the evils, until some authentic evidence of their existence shall be placed formally upon the Records of the House of Commons, which can only be done by an investigation before a Committee."

The Rev. Mr. O'Malley, a Gentleman to whose writings the disposition of the Irish people to receive a Poor Law, was chiefly owing, says—

"It is now universally conceded our Poor Law requires to be amended—a necessary preliminary step would be a Parliamentary investigation of the working of the law as it now stands. It is of the utmost importance that the inquiry should take place immediately. The mischiefs arising out of the present state of the law are too manifold and too manifest to allow it to endure for another year. It purports 'to provide for the more effectual relief of the destitute poor in Ireland.' Does it effect any such purpose? Far, very far from it, indeed. On the estimate of its framers, workhouse accommodation has been provided for about 90,000 paupers, but actual relief has not been given to a third of that number. Taking the elements of the calculation upon which that estimate was formed, it scarcely gives a sixth of the whole destitution of the country; but even the third of that sixth the Poor Law does not relieve, and this is what it calls 'providing for the more effectual relief of the destitute poor in Ireland.' The poor are worse off than ever."

Such are the opinions forced by experience on one to whom the noble Lord, the (Member for London) and the Poor Law Commissioners were mainly indebted for the indulgent trial their law had received. Laws to be beneficial, must be consonant to the habits and feelings of those for whom they were enacted. Vain would be at all times the attempt to modify the habits of a people to a law. A Poor Law of all others, interfered so much, and so constantly with the humbler classes, that if it did not conciliate, it was sure to exasperate them. Let them legislate in accordance with public opinion, and their laws would be cheerfully obeyed. It was both unwise and expensive—a fact they ought to have discovered long since—to govern solely through the terror of physical force. Even in a pecuniary point of view there was grave cause for inquiry. Mr. Nicholls had estimated the cost of building the work-houses at 700,000*l.*, to be repaid by an assessment of 35,000*l.* a-year. He had taken upon himself to expend in this way, 1,300,000*l.* without the authority or sanction of Parliament; and Ireland was now called on to submit to an annual assessment of 60,000*l.* for these houses. Mr. Nicholls stated the cost of maintaining the paupers for whom he was providing work-house accommodation—should these houses be fully and constantly occupied—could not by possibility exceed 312,000*l.* a-year: in the course of a debate in the last Session of Parliament, the noble Lord, the Secretary for Ireland, admitted that it would amount to 700,000*l.* annually. He had at that time shown from indisputable data, that double the amount, 1,400,000*l.* would be a more correct estimate. The House might judge of the advantages derived from the establishment of the Commissioners' authority, for which the nation had already in salaries paid 100,000*l.*,—from the fact, as stated in the Petition

from the South Dublin Union, that under this central power the cost of maintaining paupers had increased in that city from 3*l.* 13*s.* 10*d.* per head, which was the amount at the Mendicity Association, to 7*l.* 16*s.*, the cost per head, at the South Dublin Workhouse. Mr. Nicholls calculated the number of persons likely to require relief at 80,000 annually. The Commissioners of Poor Law Inquiry, men of superior ability, higher knowledge, and far greater experience, rated them at upwards of a million; and, he (Mr. French) contended the accuracy of their views was strikingly borne out in the important information contained in the account of the last census taken for Ireland. By this document it appeared that 516,931 families, consisting of 2,868,966 persons, resided in mud cabins. There were besides 108,427 families, consisting of 601,779 individuals, each family dwelling in one room, making above two-fifths of the entire population in this most wretched condition. At the commencement of the present year, 104 workhouses had been opened. The population of the districts in which they were situated was 6,386,813. The number of paupers, two-thirds of whom were infants and children running about the yards, was 30,494. The official returns showed that although the workhouses had been built to accommodate 92,000 paupers, the total number receiving relief on the 1st of January, 1842, was 15,372—on the 1st of January, 1843, 31,572; and on the 2nd of December last, 30,494. In the year 1843, the stationary number was, on an average, 30,000, being in the proportion of one to 272 of the entire population, or as one to 115 of those dwelling in single rooms—whilst in England, the richer country, out-door relief was afforded to one in fourteen, and indoor relief to one in seventy-seven of the population. Those official data would enable the public to judge if the relief afforded at the end of five years' working of the law was such as the really destitute stood in need of, or was likely to answer the purposes desired by those who wished for a really effective Poor Law. The law was working well in the North, had been stated by his hon. and gallant Friend, the Member for Donegal, when this subject was last under debate; and the two counties referred to now, Fermanagh and Donegal, he had since inquired into, and found in the former county 148 individuals receiving workhouse relief, though in that county there were 55,511 beings now living in wretched mud cabins; and in the latter county, represented by his hon. and gallant Friend, although 128,776 were the residents of single rooms and cabins, but thirty-two persons in the entire county were receiving work-house relief. So much for the examples quoted. Much good, he thought, would have resulted from an inquiry before a Committee into the objects of the Poor Law, after the experience of five years' working, with a view to their remedy; but the investigation should be a real one, if Government were interested in the welfare of Ireland—at all events, the truth would have been elicited as to the operation and effects of the law; it would have been seen—were it possible that, by any alterations, this law could be made to minister to the necessities of the people in place of the luxuries of the Commissioners—if some means might not be devised for the improvement of a system under which the energies which fit youth for the duties of active life must inevitably be chilled and cramped for ever. He regretted the course Her Majesty's Government were pursuing—it was plainly telling the people of Ireland neither to expect redress for, nor inquiry into, their grievances—that as long as they were tranquil, and payment of the rates, through armed intervention, could be enforced, so long would a law imposing a heavy amount of taxation on the country, without anything of a corresponding amount of benefit to the people, be continued. If they wanted to get rid of it, they must agitate—convulse the country from one end to the other—then, and not till then, would their complaints be attended to by Her Majesty's Ministers. The hon. Member sat down declaring he cordially gave his support to his hon. Friend's Motion.

Mr. *Shaw* was perfectly satisfied, as the Government had withdrawn their consent to the appointment of the Committee, and would not have risen at all but that he had authentic documents in his possession—he had that day received them from Ireland—which were calculated to remove some very erroneous impressions that might be taken from the statements made in that House, respecting the present condition of the Irish Poor Laws—first, in answer to his hon. Friend, who had moved for the Committee (Sir D. Norreys), he must say, that his hon. Friend attributed to his ne-

gative an influence to which he had no claim. He had certainly expressed in that House reasons against the granting of the Committee as strongly as he felt them; but his right hon. Friend (Sir James Graham) was quite justified in saying, that on both sides of the House, the Irish Members who were in favour of giving a fair trial to the present law before they condemned it, were unanimously opposed to the Committee; while those who supported the Committee, were Gentlemen who, from the first, had been hostile to the whole principle of the law. To grant a Committee, therefore, under those circumstances, must, in his opinion, have disparaged the law itself, and been a discouragement to those who were endeavouring to carry it into useful operation —the more so, as in some parts of Ireland the rate had not yet been levied, nor the workhouses opened. They were those parts where the greatest opposition had been experienced, and if the Government seemed to hesitate with regard to the stability of the law, which their consent to such a Committee would indicate, those who opposed the law would be encouraged to expect that it was not to be enforced. The facts to which he wished to draw the attention of the House were the following: —There were in the 130 unions, of which Ireland consisted, on the 27th of last month, 109 workhouses open, and only 21 not yet opened. In those workhouses there were then receiving relief 36,603 paupers; and there had been relieved during the half year, which ended on the 29th of last September, 60,906 cases. Of the 109 unions in which the workhouses were open, his returns showed, that in 76 the law was working satisfactorily—that was, independently of some differences of opinion between the boards of guardians and the Commissioners, as to the building and sites of the workhouses, to which he would not then allude—the funds in those 76 unions were in a good state—relief was afforded to considerable numbers at a moderate cost—the rates were in course of collection—and the Guardians and Commissioners were co-operating in a business-like manner in the administration of the law. With regard to the funds, most exaggerated statements had been made by his hon. Friend the Member for Rosscommon and others, that the rate was generally resisted, and that it took large bodies of soldiers and police to collect a few pounds; but what was the fact? On the 24th of August last, in the 98 unions of which the workhouses were then open—the total rate assessed was 605,846*l.* 11*s.* 10*d.*, and of that there was collected before the 1st of January last, 559,542*l.* 1*s.* 6*d.*, leaving uncollected a sum of only 46,322*l.* 10*s.* 4*d.* And in the treasurer's accounts there was on the 25th of March last, a balance in favour of the unions of 26,788*l.* 14*s.* 5*d.*, and against them of 13,757*l.* 13*s.* 6*d.*, 5,053*l.* of the latter being a debt of old standing in the Cork union, in consequence of a difficulty arising out of the new Corporation Act. Now, he must say, that on the whole, that was not a bad condition of the Poor Law in Ireland—considering the novelty of the experiment, its great extent, and the want of machinery which at first there was for working it—on the other hand, he (Mr. Shaw) did not contend for the protection of the law, or that it was not susceptible of much improvement. On the contrary, he had originally opposed its introduction on its present large scale, and proposed many amendments to it which had not been adopted, but still when the law had passed, and an enormous expense been incurred in the simultaneous application of it, all he said was, let all join in giving it fair play. He would desire to see the law gradually amended in many respects, but then let it be reformed by the hands of those friendly to the general system, and not mutilated by opponents who desired to destroy it. In short, after the law shall have been universally established, and its working tested by a sufficiently long experience, let the Government undertake the careful amendment of it on their own responsibility.

Mr. *More O'Ferrall* thought the opposition made by the right hon. Secretary for the Home Department would have been all very excellent if the object of the Motion before the House was to repeal the Poor Law altogether. The right hon. Baronet had most unjustly accused him, on what ground, unless on the strength of his own imagination, it was hard to conjecture, with being one of the persons who were opposed to the principle of a Poor Law in Ireland. So far from that being the case, he was one of the few persons who so long ago as twelve or fourteen years, advocated a Poor Law for Ireland: and so strong was his feeling on the subject that, when appointed on a Com-

mission to inquire into the subject, he was left in a minority on the occasion, the majority of the Commission being opposed to the principle of a Poor Law for Ireland. He might also add that the evidence in favour of Poor Law relief which he had been the means of laying before that Commission was one of the principal matters afterwards relied on when the Measure was introduced. He should at the same time admit, that he had always been strongly opposed to the Measure of Poor Law relief introduced by the noble Lord the Member for London, and he had gone so far in opposition to that Measure as to have told the noble Lord that he would have resigned his office rather than give his support to the Bill. [Sir *James Graham*: I only referred to the existing law.] His opposition to the Measure arose from a conscientious feeling of its injurious tendency, and from the evidence which he had heard during the inquiry at which he had assisted. He stated at the time to his noble Friend, Lord Morpeth, that he had just put an end to the disturbances which existed in Ireland, by settling the Tithe Question, but they ought to take care lest, in introducing such a measure of poor relief as was then proposed, he did not raise a greater evil in the country than that which he had just abated. The right hon. Baronet ought to have recollected that he opposed the Motion for an inquiry last year, as he thought it premature; and he could also add, that he had never given any opposition whatever to the working of the present law; and under these circumstances he thought it was too bad that he should be now accused of being an opponent of Poor Laws. He warned the Government that if they did not amend the law—and that too in a very short time—they would upset much more than the Poor Law in Ireland. As far as his own district was concerned, he had not much to complain of, but they were not to look to particular districts, but to the entire country. A great mistake connected with Ireland was the idea that a law applicable to one part of the country was applicable to another, and that principle was strongly exemplified in the working of the Poor Law. Thus, the Poor Rate in parts of Connaught created the most violent opposition among the people, because it was totally unsuited to their condition, habits, and temper, and was not enforced with that moderation which was required. He did not want to throw any odium on the Central Board, but whatever the right hon. and learned Recorder might say about persons being satisfied with the working of the law, he could declare to the House that he never spoke to any Gentleman on the subject who did not state that they found great grounds for discontent in the manner in which the law was carried out. The expenditure of the public money was most monstrous, for the Commissioners not content with building five or ten workhouses, in the first instance, commenced with fifty or sixty workhouses, and in general expended one-fifth, and in some instances one-fourth more than the original estimate of the work amounted to. On that day he had received a letter from the Deputy-chairman of his own Board of Guardians, stating that their contractor had been paid in full in consequence of an order from the Court of Queen's Bench, and yet the paupers were obliged to convey water for the use of the workhouse from the canal, half-a-mile distant, because their pump was dry, and they had no remedy but to tax the unfortunate ratepayers over again, in order to correct the gross negligence of the Commissioners and the architect. After referring to the case of the Edenderry Union, the right hon. Gentleman concluded by saying that the statement made by the hon. Member for Louth (Mr. Bellew) was in his opinion, an excellent argument for an inquiry, and by expressing a hope that the Parliament would not be always considered bound to the absurdities of Mr. Nicholls, who, after a forty days' tour through Ireland, brought in a law in direct opposition to the opinions of the men who were best acquainted with the country—a law which was afterwards passed in a way that he could only describe by the term, being hurried through the House. The law had been at the time described as a mere experiment, and yet, an inquiry into it was now refused; but he would tell the Government that if they attempted to enforce the collection of Poor Rates in the west of Ireland from persons who were themselves paupers, they would drive that part of the country into utter confusion, for if the people were once taught to resist, they would be sure to resist in other matters where they would have less excuse for doing so.

Mr. *Redington* would not trouble the House with many remarks. He had al-

ways supported a Poor Law for Ireland, but from his experience of the working of the Measure since its introduction, he thought it desirable that an inquiry should take place. He believed no such time elapsed before an inquiry was instituted into the working of the Poor Law in England. He accused the right hon. Baronet (Sir James Graham) of inconsistency, in first agreeing to the Committee, and then opposing the present Motion. The right hon. Baronet's conduct in requiring his supporters to rescind their former Act was only paralleled by the vote on the Factory Bill on the preceding night. He thought the low condition of the Galway Union to which he belonged had been rather overrated by his hon. Friend who preceded him, but he found that in a neighbouring union they had petitioned the Lord Lieutenant to convert the workhouse into a barrack; and yet in that same Union the Guardians had three years ago voted a supply of materials for the employment of paupers, whom they confessed they intended to admit into the House. The right hon. Baronet had in his opinion, entirely failed in his argument, for he first stated that the law required all their support, and then that it required no support at all. If all inquiry was to be postponed until the law was found to work no longer, he agreed with the right hon. Member for Kildare that they would then have a Poor Law, but they would also have something worse along with it.

Lord *J. Russell* said, that his opinion, after hearing the reasons urged for and against the Motion, was, that unless the principles of the law were entirely vicious, the best course that the House could adopt would be to leave to the Government the task of inquiring into any abuses in its administration, to remit all such complaints to the Secretary of State to be investigated, and the results stated to the House. That having been done, then there might come a time when it would be advisable to appoint a Committee; but at the present moment the objections he had urged against the course pursued by Government confirmed him in the opinion, that Government was pursuing a proper course. As to the appointment of a Committee, he thought that such a step, with respect to a law newly established—when as yet many of those concerned in its administration were unused to it, but when those formerly most hostile were beginning to get reconciled to its provisions—such a step, he repeated, necessitating as it would a ripping up of grievances, and a setting afloat of old questions and disputes—would be one most likely to defeat the prospect of the success of the Measure. With regard to the sending Mr. Nicholls into Ireland, the sole reason for that appointment was, that the Report of the Commissioners was not, taken as a whole, satisfactory. He did not wish to throw the Report aside, but to introduce modifications with the aid of a person who had had experience of the English Poor Laws. Mr. Nicholls was only a short time in Ireland, but he collected a vast deal of information, and, in addition to that, Ministers had put themselves in possession of many valuable materials for a law in Ireland.

Sir *W. Barron* recommended that his hon. Friend (Sir D. Norreys) should not divide the House, as several Irish Members had quitted it in the expectation that the Motion would be withdrawn.

Sir *D. Norreys* said that he must persevere in dividing the House.

Sir *J. Graham* begged to move as an Amendment, that the words of the original Motion be left out, to substitute the words, that the Order of the Day for the appointment of a Select Committee to inquire into the operation of the laws for the relief of the destitute Poor in Ireland be read in order to its being discharged.

The House divided on the question, that the words proposed to be left out, stand part of the question:—Ayes 10; Noes 42: Majority 32.

List of the AYES.

Archdall, Capt. M.	Murphy, F. S.
Butler, P. S.	Redington T. N.
Esmond, Sir T.	Vernor, Col.
Ferguson, Sir R. A.	
French, F.	TELLERS.
Hayes, Sir E.	Norreys, Sir D.
Morris, D.	O'Ferrall, M.

List of the NOES.

Archbold, R.	Douglas, Sir C. E.
Barron, Sir H. W.	Eliot, Lord
Bellew, R. M.	Gaskell, J. Milnes
Boldero, H. G.	Gladstone, rt.hn.W.E.
Boyd, J.	Gordon, hon. Capt.
Brotherton, J.	Goulburn, rt. hon. H.
Buckley, E.	Graham, rt. hn. Sir J.
Colvile, C. R.	Greenall, P.
Compton, H. C.	Greene, T.
Connolly, Col.	Grimsditch, T.
Cripps, W.	Hamilton, J. H.

Heathcote, Sir W.	Scott, R.
Jermyn, Earl	Shaw, rt. hon. F.
Jones, Capt.	Sibthorpe, Col.
Knatchbull, rt. hn. Sir E.	Smith, rt. hn. T. B. C.
Lincoln, Earl of	Sutton, hon. H. M.
Lockhart, W.	Thesiger, F.
Mackenzie, W. F.	Vesey, hon. T.
Marsham, Visct.	Wawn, J. T.
Peel, J.	
Plumptre, J. P.	TELLERS.
Pringle, A.	Fremantle, Sir T.
Russell, Lord J.	Young, J.

Adjourned at one o'clock.

HOUSE OF COMMONS,

Wednesday, May 15, 1844.

MINUTES.] BILLS. *Private.*—3° and passed:—Salford Improvement (No. 2); Figge's Naturalization; British Iron Company; Malan's Naturalization.

PETITIONS PRESENTED. By Mr. Maurice O'Connell, from Ireland (81 Petitions), against the Irish Registration Bill.—By Mr. Boyd, from Belfast, and by Mr. Broadley, from Bridlington, against Dissenters Chapels Bill.—By Lord G. Bentinck, from Lynn, Earl Jermyn, from Bury St. Edmunds, and Mr. Wykeham Martin (2), from Newport (I. W.), in favour of the same.—By Mr. Watts Russell, from Leek, for Alteration of Ecclesiastical Courts Bill.—By Earl of March, from a Rural Deanery of Chichester, in favour of a Bishopric at Manchester.—By Mr. Boyd (7), and by Mr. Bateson (2), for Legalizing Presbyterian Marriages (Ireland).—By Mr. Bagot, from Denbigh (10), by Sir R. C. Glynn, from Gloucester, and by the Earl of March, from Chichester, against Union of Sees of St. Asaph and Bangor.—By Mr. Stansfield, from Huddersfield, for Inquiry into Universities.—By Mr. Tatton Egerton, from North Cheshire, against Repeal of Corn Laws.—By Sir J. Hobhouse, from Nottingham, for Reduction of Duty on Fire Insurances.—By Mr. H. Berkeley, from Bristol and Bath, for Repeal of Soap Duties.—By Sir Thomas Esmonde, from Wexford (2), for Alteration of Poor Law (Ireland).

HOUSE OF COMMONS,

Thursday, May 16, 1844.

MINUTES.] BILLS. *Public.*—2° West India Relief, etc. *Private.*—2° Edwards' Estate.

Reported.—Hythe Landing Place; South Eastern Railway. 3° and passed:—Brighton and Chichester Railway; York United Gas (No. 2); Mariners' and General Life Assurance Company; Chester and Holyhead Railway.

PETITIONS PRESENTED. By Mr. Thornely, from certain English Presbyterians, in favour of Dissenters Chapels Bill.—By Sir R. H. Inglis, from a Rural Deanery of Chichester, in favour of a Bishopric at Manchester.—By Mr. Stuart Wortley, from Dewsbury Union, for Alteration of Poor Law Act.

PROMOTION IN THE NAVY.] Sir *C. Napier* rose to bring before the House the present state of our Naval Establishment. He did so entirely from a regard to the interests of the service. He had studied this subject since the time of the war, and he thought that in the present state of the Navy List, it would be impossible to carry on a war with vigour, in consequence of the advanced age of the superior officers of the Navy. The question was one quite unconnected with party politics. Whatever Ministers might be sitting upon the Treasury Benches, whether they were Whigs or whether they were Tories, they seemed to be equally inattentive to the interests of the Navy. He had alluded to the subject when the Navy Estimates were brought forward in 1842; but the right hon. Baronet at the head of the Government did not make any reply to his observations. On the 22nd of March in the same year, he moved a resolution on the subject, previous to the granting of the Navy Estimates. The right hon. Baronet, the Secretary for the Home Department, who, he was sorry to say, was not now in his place, after having pointed out the propriety of allowing officers in the Navy and Army to sell out, said—

"The hon. and gallant Officer had suggested a Retired List; and he would frankly tell him, that, as to the opening of the Retiring List for such aged officers as might be willing in time of peace, when it would be consistent with honour to acknowledge their infirmities, to retire from active service, he would well conceive of considerable advantage in carrying out such a proposition. Nor had he understood his right hon. Friend at the head of the Government, to have ever stated, that such a proposition was not worthy of the most serious attention, or ever to have unequivocally negatived all consideration of the purchase system."

Notwithstanding this, the right hon. Gentleman moved the previous question, and Sir R. Peel again made no reply. The numbers were, Ayes 40; Noes 138. Now, the right hon. Baronet had spoken the truth in stating this, but he had not spoken the whole truth. He had not told the House that officers were forced to put themselves upon the Retired List to which he had alluded. In answer to a question by him on the 28th of April, 1843, Sir Robert Peel said, the subject had been under consideration, but he was not prepared to submit to the House any proposition for forming a Retired List. On May 16th, 1843, he moved the following Address:—

"That a humble Address be presented to Her Majesty, praying Her Majesty to give directions that a certain number of old officers should be allowed to retire on a separate list, with increase of pay—with a view of bringing forward young and active officers."

Lord Ingestre seconded his Motion, and was reprimanded by the right hon. Baronet. In February of this year, he

again alluded to a Retired List on going into Committee on the Estimates, but no Member of the Government replied to his observations. The system had been instituted by Lord Howe, and it had continued until the Duke of Clarence had been appointed Lord High Admiral, when an alteration had taken place. The Duke of Clarence had adopted a more just principle. He had adopted the principle that no officer should be promoted to a flag who had not served either four years in time of war, five years in time of war and peace, or six years in time of peace. That Retired List was not a voluntary Retired List—It was formed of officers who had not interest enough to procure employment afloat. The retirement of officers for not having sufficient interest with the Government was caused in a most arbitrary manner. They were compelled to retire if they had not been in service for a certain number of years. By one of the arbitrary rules which formerly existed, officers were passed over who had not commanded line-of-battle ships; but when the late King came into office, he laid down better conditions as to persons filling the office of admirals. A Commission, of which the right hon. and gallant officer (Sir G. Cockburn) was a Member, recommended that some of the older Captains should be taken off the Retired List, and allowed the rank of Rear Admiral, Vice Admiral, and Admiral, but without enjoying the pay. It was necessary that he should show to the House, by a paper which he held in his hand, what was the state of the British Navy at the present moment. The hon. and gallant Officer, then read the particulars as follow :—

There were instances of very gallant actions, fought by Admirals far advanced in life. The case of Admiral Rodney was one, but it was not followed up as it might have been, or eight or ten more of the enemy's ships would have been taken or destroyed. Then there was Lord Duncan, who gained a remarkable victory over the Dutch off the coast of Holland, and although it was fought by an old man, he was an extraordinary man. These, however, were rather exceptions to the rule than otherwise. As to the propriety of employing Admirals so far advanced in life, he was actually shocked when he looked at the returns of the respective ages of the officers of the Navy. That list showed that there were only two admirals and ten vice admirals under seventy years of age; twenty-five rear admirals under sixty-five, and fifteen under sixty years of age. Of the 200 captains in that list, thirty were between seventy and seventy-five years; forty-eight between sixty-five and seventy; sixty-one between sixty and sixty-five years of age, of whom thirty-three had not been employed for upwards of thirty years; and sixty-one under sixty years of age; whilst the youngest was fifty-two years of age, with very few exceptions, they were all bordering on the age of sixty. Of the whole of these officers, the captains, 114 had not been employed at sea for more than thirty years, and many had not been employed in their present rank at all. He (Sir C. Napier) was the last officer promoted before the new regulations, which prevented a man being made a post captain until he was twenty-two years of age. During the war, the average age of officers promoted to be

OFFICERS PROMOTED FROM THE RANK OF CAPTAIN TO THAT OF REAR ADMIRAL, SHOWING THE AVERAGE NUMBER OF YEARS THEY REMAINED ON THE LIST AS CAPTAINS, AND THEIR AVERAGE AGE WHEN PROMOTED.

Year.	Number of Flag Officers on the List, Dec. 31.					Number of Captains made Rear Admirals at last Flag Promotion.		Average Age of Captains promoted to be Rear Admirals.		Average number of Years during which they remained on the List as Captains.	
	Admirals.	Vice Admirals.	Rear Admirals.	Retired Admirals.	Total Number on List.	Date of last Flag Promotion.	Number.	Years.	Months.	Years.	Months.
1815	67	68	75	32	242	June 4, 1814.	29	47	6	19	..
1819	64	64	70	30	228	Aug. 12, 1819.	25	51	2	23	..
1825	59	69	72	36	236	May 27, 1825	25	55	2	26	6
1830	59	66	70	31	228	July 22, 1830.	34	58	3	29	9
1837	39	57	56	57	211	Jan. 10, 1837.	32	61	7	33	10
1841	47	57	107	..	211	Nov. 23, 1841.	40	61	8	34	9

post captains, was about twenty-six years and seven months. The average age at which they had since attained the same rank had increased to thirty years, and at the present day, the average had risen to thirty-five and thirty-seven years, and, according to the latest promotions, that average had increased to forty-two years. Was this sound policy in a great maritime country? He thought not. No one could look at the facts which he had detailed, without trembling for the safety of the country. He would propose not a full remedy, for he knew that would be useless. He dared not go the length he would wish to go, because he knew the Chancellor of the Exchequer would turn round to his right hon. Friend and say, the Exchequer had no money. But he believed there was not one man who had sat at the Board of Admiralty for the last thirty years who had not seen the danger the country was in. He did not believe there was a naval officer in the House or out of it, who was not perfectly sensible of this fact; and the right hon. Baronet, who sat opposite (Sir G. Cockburn) knew it as well as he (Sir C. Napier) did. He believed the right hon. Gentleman had furnished the Government with a plan of a Retired List; and he did think it extraordinary that the right hon. Baronet, at the head of the Government, when he heard every officer in every part of the country, who knew any thing about the service, declare it impossible to go on in the present state of the Navy, should refuse so modest a request. There were two or three modes of improving the Navy List. One method the right hon. Baronet, the Secretary for the Home Department, proposed when he was First Lord of the Admiralty, and that was to allow old officers to sell out, and young ones to purchase, under certain regulations. At the time it was proposed he believed it was not approved of, and the right hon. Gentleman was not encouraged to go on with it. He could not see the smallest danger in the plan, and it would cost the Government nothing. The rule at the Admiralty was well known, namely, that the Board should only appoint one officer to three deaths. That rule, while we were at peace with all the world might be a prudent one; but it was found impossible to act upon it. Even during the period of the Chinese war promotions had gone on very rapidly, and still the number of deaths had exceeded considerably the number of promotions. From 1830 to 1843, the number of promotions were 332 captains, 535 commanders, and 945 lieutenants. In a period of less than thirty years, the list of captains had been reduced from 887, which was the number in 1815, to 770, that being the number in 1843. The commanders in 1815 were 892, and in 1843, 1,135, but those were not all regular commanders, as many lieutenants had been allowed to retire with 7*s.* per day, and the rank of commander. As to the lieutenants in 1815, there were 4,010, and in 1843, 2,637. Now, to return to the subject of selling out, he could not see the slightest objection to it. There might be a rule laid down, confining it to one in three. He would propose, if they allowed selling out to take place, that no officer should have any of the vacancies, or be promoted in the usual way, who had not served five years in the rank below, and this would ensure the vacancies being filled by persons who had served for some time. This would also prevent men of fortune and influence from prevailing on the Admiralty to promote their sons, unless they had served a proper time. He was happy to have it in his power to compliment the right hon. Baronet (Sir Robert Peel) on the great talent of his son, who was now made lieutenant, who had, in fact, just passed. The privilege of purchasing would be felt by the rich, and would often be a great boon to old officers who might wish to sell out; but the right hon. Baronet's son had obtained his promotion entirely by merit —it was not due to interest, for he had passed a most extraordinary clever examination. If, however, that had not been so, and the rule he proposed were adopted, that young gentleman would have had an opportunity of purchasing a commission without taking away promotion from any other deserving officer. The midshipmen and mates did not begin to grumble if they were only six years beyond their time; but when they found, after being ten or twelve years behind their time, that they were not promoted, they certainly did manifest some dissatisfaction, and he was convinced that it was a crying shame that these deserving men were kept so long midshipmen. He believed that the Navy was the only branch of the service in which there was no such thing as a voluntary Retired List. In the Royal Ar-

tillery, the Engineers, and the Regular Army, there were Retired Lists, but not in the Navy. He found that the following was the return of officers of the undermentioned ranks upon retired full pay, included in the estimate for the present year 1844-5 :—

	Officers on retired full pay under warrants of 1831 and 1837.	Officers on retired full pay under warrant July 1840.	Total number.
Lieut-Cols., Royal Artillery . . .	8	15	23
Captains, ditto . .	12	16	28
Lieutenants, ditto .	7	0	7
Lieut.-Cols., Royal Engineers . .	2	3	5
Captains, ditto . .	8	7	15
Lieutenants, ditto .	2	0	2

The first column contained the number of officers placed on retired full pay under the warrants of 1831 and 1837. The second column are those placed on full pay under the warrant of July 1840, allowing four lieutenant-colonels, and four captains of artillery, and three lieutenant-colonels, and seven captains of engineers. If officers were not allowed to sell out of the Army, the time would soon arrive when there would be few or no officers who could march with their regiments, but they must get a parcel of chairmen to carry them, if the regiments were ordered to go from one place to another. Why were not the officers of Marines allowed to retire. It was notorious that by far the greater portion of the captains of Marines were too old for active service. When he was in Syria 1,600 Marines were landed from the fleet, and he believed that there was only one captain of Marines who could march properly. One of the officers in command was almost unable to proceed, and fortunately he (Sir C. Napier) succeeded in getting him a donkey, and the officer told him that if he had not brought it he could not have gone on, even if it were to save the lives of all with him. There was not the least want of courage or ability on the part of this or other officers, but the truth was, that they were regularly worn out by length of service. Supposing that he had not been able to procure the donkey, what might have become of those 1,600 Marines. The right hon. Baronet said last year that he had authority for believing that to produce effect they must give the option to at least 150 captains, and added that they would entail an expense of upwards of 20,000*l.* a-year on the country. Now, he did not ask so much. All that he required was, that 100 captains at the top of the list might have the option of retiring on receiving 100*l.* a-year additional; that, in point of fact, they should be regarded as out-pensioners of Greenwich Hospital, receiving 100*l.* a-year instead of 80*l.*, the amount now paid. He did not wish to go to the Chancellor of the Exchequer to ask for money for this purpose; all that he asked was, that as admirals died off, they would devote the amount paid to them for this purpose, and allow at the top of the list to be placed captains on a Retired List, and have this amount divided amongst them in the way that he had mentioned, namely, 100*l.* a-year addition to their pay. When men remained fifteen years ashore at a time, and were then appointed to the command of a ship, they naturally felt some difficulty in their novel situation. He thought also that it was most desirable, if not essential, that the Retired List should go lower down—to commanders, and, even to lieutenants. He thought that commanders should be allowed to retire after being twenty years on the list on an increased allowance of 6*d.* a day. He believed that there were more than 1,500 old lieutenants. It had been suggested that they should be allowed to retire at 1*s.* a day additional allowance; but he would not take that amount, as it was a very large sum, but he threw the matter out for consideration. It was most important that they should reduce the Navy List to an efficient list, and only have on it proper officers who were able to discharge any duty. The proper course would be to do as was done with respect to the Marines at the termination of the war, when a reduction in that branch of the service took place, and a number of officers were allowed to retire on full pay, and no new appointment was made or vacancy filled up but in case of a death. The following was the number of Marine officers under that arrangement :—

Five Colonels Commandant	£702 each		£3,510
Seven Lieutenant-Colonels	310		2,170
Fifty-three Captains	176		9,330
			£15,010
Eleven First Lieutenants	£1,200		
Five Second Lieutenants	540	£1,740	£1,740
Total amount of retirements			£16,750

He felt that it was not safe to the coun-

try or the Navy to let things go on as they did at present. They should either allow officers to sell out, or they should adopt some plan for an optional Retired List. He believed that some forty or fifty years ago, admirals were promoted, not by seniority. This, certainly, was a just ground of complaint, but, if it was found necessary to appoint young men as admirals it might be done by the arrangement which he had suggested. He denied that there was time enough to do this in the breaking out of a war, for if you then made young officers admirals you would be obliged to entrust them with the command of a fleet, when they had had no experience as commanding officers. If a war suddenly broke out you would want almost immediately twenty or thirty admirals fit for active service. Where could you find experienced and active officers, in the prime of life, to take upon themselves such duties as blockades, such as those of Brest, Toulon, Cadiz and other ports, as was the case in the time of Lord St. Vincent? The Navy was very different then from what it was now, as regarded the ages of the flag and other officers. He knew a time when the utmost activity was requisite on the part of officers in the command of ships, and when a captain could not shut his eyes when in sight of land. He did not think that he had forgotten anything, but, he should be very much surprised, if the House refused to accede to this proposition after what had taken place the other day, when a Motion was brought forward by his hon. and learned Friend, the Member for Kinsale, respecting certain pensions which had been granted to the holders of sinecures which had been abolished. His hon. and learned Friend showed, that four of those Clerks, who held sinecure offices in the Court of Chancery, formerly received between them, 28,000*l.* a year. These sinecures, had been very properly abolished, but these persons got retired allowances to the amount of 22,000*l.* for the period of their lives, and for seven years after their deaths. Another batch of Clerks were to receive between them 46,000*l.* a-year; but he did not know whether or not this sum was to be paid to them for seven years after their death. He recollected also, the case of the pension of the present Lord Abinger, who held some sinecure office connected with the Court of Exchequer, and he received a large pension, on the ground that the office was a freehold, and could not, therefore, be abolished. without compensation. This, however, was not the treatment which the Commissioners of the several Dock Yards experienced, when their offices were abolished. He conceived, that these offices should be just as much regarded as freeholds, as that of Lord Abinger, for they were always filled by naval officers of a certain standing, and it was always considered that it was a civil appointment, to be held by them as long as they pleased. He would ask, what had been the treatment of those distinguished officers, Sir Michael Seymour, Admiral Ross, Sir J. Gordon, Captain Burgess, Captain Ashby, Sir T. Briggs, Captain Hornby, and Sir T. Usher? All these officers held patent places, but these were abolished without giving them compensation. Sir Michael Seymour was turned out of his office without any compensation, and he was afterwards sent to the Brazil station for three years. Admiral Ross was sent to the South American station for two years. Sir J. A. Gordon was appointed to Greenwich Hospital, by which he lost his good-service pension, and his half-pay, and all that he had as an equivalent was a house to live in. That officer had gone through services as gallant and distinguished as any, and yet he was treated in this way. Captain Burgess was, also, a Commissioner of Greenwich Hospital, but he had sustained great loss by the treatment he had received. Sir T. Briggs was also turned out of his office, and all that he had received was an appointment to a station for five years. Captain Hornby had been turned out, but had received another appointment; and he might consider himself as a very fortunate man, as he had always been in place since. Sir T. Usher and Captain Ashby had received the same treatment. The Civil Commissioners of the Dock Yards were always allowed to remain in their respective offices as long as they pleased; but here they had not met with the treatment which had been shown to the holders of the sinecure clerkships in Chancery, but they were turned out without compensation. He thought, that as regarded the officers of the Navy, they should be put on the same footing as the Army and other professions. He would not trespass longer on the time of the House, for all that he asked was to take the subject into consideration, and to give only the small sum of 1,000*l.* per annum. The gallant Officer concluded

with moving, that this House recommend that previous to the preparation of the Navy Estimates to be submitted to Parliament in the year 1845, that some plan of retirement for officers in the Navy on the top of the respective lists should be devised, so as to make the Naval service more effective, and to afford the opportunity of rewarding old and meritorious officers.

Sir *R. Peel*: I shall address myself to that part of the speech of the gallant Officer, and of the proposals made by him, for which the Treasury, as superintending the finances of this country, are responsible, as having a control over the public expenditure, leaving to my hon. Friends near me connected with the Board of Admiralty those technical points which I am not so competent to deal with as they are. But, first, the House will perhaps allow me to thank the gallant Officer for the kind notice he has taken of a son of mine, who obtained his promotion on the very day on which he was by law entitled to apply for it. The hon. and gallant Officer is quite right in saying that he received that promotion without any recommendation from me, and in the absence of any application on my part, but he received it at the express recommendation of the examining officer, Sir T. Hastings, the commander of the Excellent. This kind mention of a young officer by so distinguished a member of his own profession as the hon. and gallant Member opposite, cannot fail to operate as a great excitement to follow that honourable course of which the gallant officer himself has set so brilliant an example. When I stated that I thought this House ought to be on their guard against a combination of naval officers, I meant no reflection whatever upon the naval service, but only to state what I think is an admitted truth, that professional men, naturally enough, take a partial view of that branch of the profession to which they belong. This is equally natural and honourable to their feelings, and I only entreated this House not to be influenced solely by a concurrence of opinion between men differing in politics, who happen to agree in the propriety of awarding some particular advantage to the profession to which they belong. The House, some years since, felt the inconvenience of partial motions made with reference to the several branches of the military and naval service. Questions of promotion and retirement were brought forward in the case of the Army, the Navy, the Ordnance, and so on, and these motions were brought forward by officers who took a very partial and limited view of the profession to which they belonged; and it was against such partial and limited views that I advised this House to exercise circumspection and caution. The late Government, finding that all these questions had an intimate bearing upon each other, and thinking the House of Commons not competent to decide upon that view of the whole matter, which ought to be taken by the most competent authorities, advised the House to appoint a Commission to consider these questions of promotion and retirement, and their connection with others, and their bearing upon the different services; and Her Majesty, by the advice of the late Government, appointed a Commission to inquire into the mode of retirement in practice amongst naval and military officers, the comparative situation of officers in each branch of the service, and to consider what improvements could be made in this respect, with a due regard to economy and the efficacy of the service, and the encouragement of the officers. On that Commission were the Dukes of Wellington and Richmond, the Earl of Minto and Viscount Melville (both of whom had served as First Lords of the Admiralty), Viscount Howick (a son of a First Lord of the Admiralty), Lord Hill, Sir George Kempt, Mr. Labouchere, Sir R. H. Vivian, Sir A. Dixon, Sir H. Hardinge, Sir H. Williams; and of naval officers there were Sir G. Cockburn, Sir C. Adam, and Sir T. Hardy. Many men of the first eminence in the naval service were examined as witnesses before the Commission, amongst whom were Sir E. Codrington, Admiral Griffiths, Commodore Jones, and several others of equal distinction. The immediate subject which has been to-night brought before the House, came distinctly under their consideration — namely, whether it would be of advantage to the service to clear the Retired List of captains of advanced age, and continue the class of officers called yellow admirals? — and the decided opinion of the Commission was, that it would not be good policy. In their Report, the Commissioners say, that it did not occur to them to suggest any other change in the pay and allowances of captains on the Retired List, although they had fully considered the various applications that had been made to them on that subject, for that they did

not think that any advantage to the service could be derived from extending the list, beyond mates and commanders, commensurate with the call that it would make upon the revenue of the country. This was the opinion of the Commission after a most rigid investigation of the whole subject; and on that Commission were Lord Minto, Lord Melville, Admiral Adams, and Sir G. Cockburn. Now, after this, I do hope that the House will think it unnecessary to interfere in the matter, by acceding to the Motion of the gallant Officer, but leave it in the hands of Her Majesty's Government, who are not of opinion that it would be politic or judicious to act in any manner, upon such a question at variance with the recommendation of the Commission that had so fully inquired into it. It is not the expense that would make me hesitate, if I thought that the course proposed by the gallant Officer would really benefit the service. It is from a sincere conviction that the measure, if adopted, would not produce the effect which the gallant Officer anticipated from it—namely, clearing the list of captains, that I object to it. I believe it would do no good, except giving the officers the option whether they would retire or not. He presumed the gallant Officer would not make the retirement compulsory. [Sir *C. Napier*: No, certainly not.] Rear Admiral Griffith said,—

"The present suggested compulsory setting aside of old officers is in opposition to the system of a century and more. It appears to me a breach of engagement, harsh and unjust in its exercise, producing immense painful distress to those who may be so treated, and, as I conclude some additional pay would be given, in point of economy a very insignificant saving."

When the question was brought under the notice of the Treasury, it was expressly stated that the retirement of 100 officers would be of no value whatever. [Sir *C. Napier*: Try 150.] But then the gallant Officer had said he was afraid the Government would object to the expense. The expense of retiring 100 officers, with the pensions to their widows, would be about 17,000*l*. A calculation had been made by my right hon. and gallant Friend, that the retirement of 150 captains, in the way he proposed, would entail an expense on the public of 26,000*l*. What would be the effect of adopting the plan, if the retirement were to be optional? It would be this—that the oldest officers would not accept—and that was the opinion of the gallant Officer. It is quite clear that those on the list of 1808 and 1809, who were looking up to the possession of a flag, would not take the option, because they entertained the hope that the next promotion would give them the rank of admiral. Those who would be likely to retire, were the captains at the bottom of the list, who, despairing of obtaining the rank of admiral, would take the advantage offered to them, and that would be no benefit to the public. That was the intimation conveyed to the Treasury by the Board of Admiralty, who said it was doubtful whether any of the officers at the head of the list—namely, those of 1808 and 1809 would accept the offer. [Sir *C. Napier*: Certainly not.] It is doubtful whether any of them would accept the offer, save those whose very advanced age or great infirmity forbade them to hope to get their flag, the object of every man's ambition who got a commission in the Navy. It appears to me that it would be an improvident option to offer, because it would be rejected by the old men, at the head of the list, who expect to obtain the distinction which is so highly and justly coveted, whilst it would be accepted by comparatively young men, who, calculating they had little chance within a reasonable period of obtaining the rank of admiral, would place themselves on the retired list of captains. Taking those circumstances into consideration, it appears to the Government that the advantage to be gained by the public in clearing the list would not be commensurate to the expense. If such a step were taken this year, a similar step must be again taken in the course of six or seven years for the purpose of again clearing the list. I trust, therefore, that the House, regardful of the public purse, and considering the opinion of the eminent men who composed the Commission, will not be led by their natural feelings in favour of the Navy to express any opinion, to support the Motion of the gallant Officer, which would be calculated to fetter the Government. It is, I can assure the House, with considerable pain that I feel, with my right hon. Friend the Chancellor of the Exchequer, as guardians of the public purse, the duty that is imposed upon us of resisting demands for which no public advan-

tage can be expected as an equivalent. I shall say nothing on the subject of the sale of Commissions; but I think it is best to leave to the Crown the selection of officers from the top of the list for any service that may be required. I know there is great jealousy on the point of seniority, and I think it very necessary to guard against the exercise of power or patronage in any interference with that claim. I believe, on the whole, that it is better to leave the old officers where they are, at the top of the list, for I feel assured, that their removal would not have any effect in clearing it, so as to prevent a repetition of such applications as the present. If I thought, that it really would have that effect, I would not be prevented, by the consideration of 10,000*l.* or 20,000*l.* a year, from adopting it; but my sincere belief is, that the proposal will afford no remedy for the evil which has arisen out of a long peace. The House may be sure, that if it shall interfere in the case of officers of the Navy, a similar application will be made on behalf of the Marines and Artillery. For these reasons, I hope the House will have sufficient confidence in Her Majesty's Government to believe that they will act in this, as on all other occasions, with a due regard to the advantage of the service and the interests of the country, and will leave in the hands of the Executive, the entire consideration of a question that involves an expenditure of the public money. I do not think that any good could arise from the adoption of the Motion of the gallant Officer, but that it would be very likely to be productive of evil, and I therefore trust the House will not accede to it.

Captain *Berkeley* supported the Motion. It was to be remarked, that whenever any effort was made to vindicate the claims of the Navy, the House was called upon by Government to leave the matter in the hands of the Executive; whereas, with reference to other departments, the Government exhibited no such reluctance to give the House a voice in the matter. The right hon. Baronet said he could see no advantage to the service, from making the proposed Retired List; but this was a view of the case in which the whole profession, he might say, differed from the right hon. Baronet. The present system was in the highest degree calculated to impair the efficiency of our Navy. Men who had acquired a thorough knowledge of their profession were set aside — shelved for twenty years together—their experience rendered perfectly useless—their acquired knowledge allowed to rust, and to be of no avail. He had known instances of those old captains having become so nervous by lying on the shelf so long, that actually they could not go to sleep when sent out again, although the weather might be most calm and fine. He himself, made a captain just before the close of the war, had, in the thirty years that had since elapsed, been enabled only to serve six years and six months; though from various circumstances he had possessed influence superior to that of very many officers of equal or even older standing. On all occasions the Navy was boasted of as the great bulwark of the country; yet on all occasions, when it was sought to do some justice to the men who composed that Navy, they were made an exception to the advantages which were given to the public services. A Retirement List had been accorded to the Marines, on the motion of an hon. Relative of his, not now in the House, in spite of Government; and he did not see why a corresponding concession should not be given in favour of the Navy. The right hon. Baronet very justly spoke of the prospect of obtaining a flag-ship, as being the darling object of all men who entered the service; but what chance had he after his many years of service, of obtaining that darling object, notwithstanding all the advantages he had possessed, beyond other men of equal standing? None at all; or, at all events, not till age had, perhaps, rendered him incapable of performing the duties of the appointment. The right hon. Baronet laid much stress on the Commission referred to. Having himself been in office, he was inclined to think, that in a professional question of this kind, justice was not so likely to be done by men who either were, or who expected to be in office, and who were hampered by that very circumstance, as by officers who were unconnected with power and party, and who were solely influenced by the wish to improve the condition and effectiveness of the profession. He should cordially support the Motion of his gallant Friend; and, sure as he was that the House would, sooner or later, have to attend to the warning which the gallant Officer had given, he thought it would be the best wisdom to lose no time in doing so.

Sir *G. Cockburn* said, that the Commission was exceedingly desirous of strictly inquiring into the whole of this subject, and, after fully considering it, the opinion of the majority on the Commission was, that the proposition of the gallant Officer that night was not one that ought to be adopted, as it was calculated to break in upon the nature of the service. The long list was the consequence of a protracted war, succeeded by a long peace. The war has ended, but the list remained, as the Officers could not longer be employed. The object of the Board of Admiralty was to divide the service as much and as fairly as possible amongst the Officers, as the service required. The question as to the Mates was brought before the Commission, and he believed there were not more than three who had been made before 1835. Let the House look at the advantageous position of Midshipmen now as compared with former times, and also of Lieutenants, many of whom, at the head of the list, had now 7*s.* instead of 5*s.* a day, which they had before. He was sorry to hear what the gallant Officer who spoke last said of the weakness of mind of those Officers to whom he alluded, as afraid to go to sleep within sight of land on the coast of Syria. [Captain *Berkeley:* I did not mention Syria. I said Officers who had lately been at sea.] I thought the gallant Officer alluded to Syria, because the gallant Officer who brought forward this Motion spoke of something of the same sort of nervousness exhibited on the coast of Syria. But, notwithstanding all this, he did not doubt that if fifty or sixty sail of the line were required to-morrow, they could be sent to sea as efficiently served as at any period of our history. He certainly did himself offer a suggestion to the Commission to remove some Officers from the list—but the opinion of the Commission was, that it should be left in the hands of the Government, and of course he did not press it. As to the sale of Commissions, he confessed he did not see any inconvenience that would be likely to arise from it—that was, in merely giving to the Board of Admiralty the power of putting down certain Commissions for sale —because the Officer who got his promotion for service, would see that the man who purchased had been obliged to pay for his promotion. He had himself brought this part of the subject before the Lord High Admiral, and also before the Commission; but his views were not adopted, although he had carried some points in the Commission against the First Lord of the Admiralty. He did not think it was necessary for him to say more upon the subject at present.

Captain *Pechell* said, that the Commission, so much alluded to, would never have been appointed, had it not been for the repeated Motions that were made on the subject, in that House. The right hon. Baronet, who was now going out to India, as Governor General, had fought the battle of the naval officers well on the Commission, and they felt highly indebted to him. The Masters of the Service had been treated with gross neglect, and spoken of, by a Member of the Government, in terms which they felt to be very disparaging to them, on a former occasion. If Ministers granted the necessary documents, the House could prove the truth of the statement, made by a Member of Government, in another House, that the *Queen*, 110 gun-ship, had been lying, nine-tenths of her time, in Malta Harbour, instead of being at sea, giving young officers an opportunity of exercising themselves in their profession. So with the *Fox*, a vessel built on a new principle. The qualities of the *Fox* were not tested; but she was lying in the Shannon, since December, collecting poor-rates, perhaps, or frightening the poor fellows along the banks of the river. Was not this too bad? And let not Government think, that they (the supporters of the Motion) would leave them alone. By no means. They would continue their exertions to remove the evils. With respect to promotions, there was his gallant Friend near him, whose age was fifty-two, and what chance had he (Captain Pechell), who was three years older, of ever changing his situation? And the hon. and gallant Member for Gloucester, fourteen or fifteen years his senior, had given up all hope. They did all in their power, however, to impress on the Admiralty, the necessity of employing vigorous and efficient officers, and Government had partially admitted the justice of the principle, by sending out to China, a young man about whose health no fear need be entertained. He (Captain Pechell) did not say, the present Admiralty Board was worse than others; it was to the evils of the system itself he objected. His late Majesty, when Lord High Admiral, had given universal satisfaction, and it would have been fortunate if His Royal Highness Prince Albert had

taken such a position. The hon. and gallant Officer concluded, by calling on the House to support the Motion.

Viscount *Ingestre* would not attempt to follow the gallant Officer the Member for Brighton, who had travelled from Ireland to Hongkong and back again. But he wished to explain, in reference to a remark made by an hon. and gallant Friend opposite, as to his having seconded a similar Motion on a former occasion, that his reason for doing so was, that he thought some steps ought to be adopted for improving the list and making the service more efficient. He would give an independent vote, but he thought there was a question of prudence involved in this matter—a question whether, by reiterating these Motions, and pressing too much on the Executive, injury instead of good might not be done. He had told his hon. and gallant Friend so in private; and he now told him so in public. He did believe that his hon. and gallant Friend, by pressing the Motion to a division, would be injuring instead of serving the cause they both had in view. He begged to remind the hon. and gallant Member for Brighton that there might be political business, and not merely that of amusing the people of Malta, to account for the *Queen* being so long in harbour, and there might be other reasons besides those to which the gallant Officer had alluded, why the *Fox* remained so long in the Shannon; but, he trusted, that the Government would lose no opportunity not only of giving a fair trial to all improvements in the most important science of naval architecture, but also of increasing the experience of our naval officers, particularly those who had joined the service since the peace, in naval tactics, by having small exercising squadrons. The operations with the experimental brigs showed, that improvement was not neglected, and he recommended his gallant Friend not to divide upon the present occasion as he could not vote with him.

Captain *Harris* felt diffident in addressing the House, after the short experience he had had in Parliament, but as this was a naval subject, he thought he was called on to express his opinion, that the gallant Commodore had made out a case for inquiry, and he should support the Motion. The present condition of the Navy, were it continued, might hereafter be very injurious to the country. It was said, that the subject should be left in the hands of the Executive. He had confidence in the man at the wheel, and had no doubt he would steer the ship safely and well; but when he was told, "Do not speak to the man at the helm," he held it to be the duty of every person on board, when he saw breakers a-head, to point them out. He believed Her Majesty's Government were restrained only by economical considerations, from carrying out the views of the gallant Commodore, and the House of Commons, which took charge of all fiscal questions, ought to investigate the matter. He could not agree in the suggestion of introducing the system of purchase into the Navy; and with respect to the proposal, that they should add 100*l.* a-year to the first 100 captains on the list, he did not think they would accept it, on the condition with which it was accompanied, because they all hoped to have the honour of their Flag. He would rather extend the increase down to the first 300 names on the list, amongst which were to be found the names of officers who had been fifty and sixty years in the Navy. He thought that their allowance of 260*l.* a-year was not a fair remuneration for such long services. He should like to see the half-pay of the first class increased to 16*s.* a-day, and that of the next to 14*s.* Such a plan would not cause a greater annual outlay than 5,700*l.*, which he had no doubt the public would willingly pay. He entirely agreed in the propriety of giving retiring allowances; but then they should be voluntary, and given only upon application.

Mr. *Hume* said, that the question before them, was one of very great importance; out of an immense list, it was stated that officers enough could scarcely be got for one fleet; for, in consequence of the system which had been adopted, there were a great many men who had been kept from active service so long that they would never be able again to return to active employment at sea; and thus, with such a large Naval Establishment, they had a comparatively small force of officers. The Naval Estimates for this year were six millions and a half, and there was no reason why there should be any inefficiency in any of its departments. It had been stated, by the gallant Admiral opposite (Sir G. Cockburn) that this was not the proper place for such an inquiry. [Sir *G. Cockburn* said, his observation applied to the promotion

of officers.] He was well aware of the opinions that prevailed with some persons as to the expediency of inquiry in this House, as to the promotion of officers; but when, a few years ago, a Commission was appointed to inquire into the promotion in various branches of the Service, it was one which tended to produce very advantageous results. The more immediate cause of the inquiry was the treatment of a brave and deserving body of men, the Royal Marines, but the inquiry was extended to other branches of the Service. He considered, that an inquiry into the subject of the hon. and gallant Admiral's Motion would be of great advantage to the public interests. Out of a list of 683 captains of the Royal Navy, in May 1838, there were 313 who had never, up to that period, served a day after their promotion, and the same system was adopted with respect to other officers. He moved for Returns, two years ago, which were granted; and, if ever a document was of a nature to call for subsequent inquiry, it was the Paper containing those Returns. Something ought to be done, with reference to this subject; and if the Government did not bring forward a plan for improving the state of things which had been so long complained of, it was the duty of some one else to do so, and he was, therefore, obliged to the hon. and gallant Commodore for bringing forward this Motion. He trusted that anything which might be done with reference to the list would not be confined to clearing the list, but that they would inquire how it had become so burthened, and adopt means which would prevent it becoming so burthened again. The promotion in the Navy depended, nearly altogether, on influences which were too political in their character, and he would remind the House that the best bulwarks of the country ought not to be so treated. Those who were affected by this system were a body of men who deserved well of their country—who ventured their lives and their health in defence of it—and he had seen many instances where those men were, after long services, very ill-rewarded, whilst others were rewarded who did not deserve it so well. He had taken a great interest in this subject, for a long time, and he did so, not from any principle of economy, for he thought, that no branch of the public Service deserved more support than the Navy, and he thought it ought to have a fair and liberal support. He therefore repeated that his objections to the present system were not founded on principles of economy; but he thought that it was inexpedient to have, as we have at present, seven captains, and seven lieutenants, to every ship in the Navy. It was as absurd as if any hon. Member in that House kept seven coachmen, and only employed one. The half-pay non-effective List cost the country 1,500,000*l.* a-year, and many of those officers had rendered very little service to the country. He wished to see the Service weeded, and favouritism and partiality put an end to, or at least checked. He cordially supported the Motion.

Mr. *S. Herbert* said, the hon. Member for Montrose came down to the House under two disadvantages. In the first place he had not heard a considerable part of the preliminary discussion, including the answer of the right hon. Baronet near him to many parts of the speech of the hon. and gallant Commodore who brought forward the Motion; and the second disadvantage which the hon. Member laboured under was, that from his speech he did not appear to be aware of the nature of the Motion of the hon. and gallant Commodore, for his whole speech had been directed only to one particular subject. The question was whether, with a view to remedy an evil the existence of which was admitted by all, the proposed addition of about 25,000*l.* a year to the public burthens would be accompanied by the advantage of a corresponding relief to the list to which it was proposed to be applied; but there being great differences of opinion on the subject, the question being a very large one, and the prospect of the evil being remedied by the proposed plan being, in his opinion, nearly hopeless, unless done on a much larger scale than is proposed by the gallant Officer, he thought it would be wrong to put the country to a fruitless expense, an expense which he should not grudge to see doubled if it were likely to produce the beneficial effect, but which would leave us after a few years in the same position as we were before. Old Captains, for example, standing high on the list, might not be disposed to take the additional 5*s.* a day, when, by waiting a few years, they might become Rear Admirals, and you would then be forced, in applying the proposed plan, to go down the list till you come to Officers whose length of service would not warrant the advantage

you proposed to give them, so that you would have the old officers or the active, or the comparatively young ones on the retired list. Unless the feeling of the profession was in favour of any proposed plan, the Admiralty would find themselves unable to carry it out satisfactorily. Lord Howe's administration showed that, for he was nearly driven out of office by the unpopularity created by his having taken some officers for promotion to their flag by selection and not by seniority. And, with regard to hon. and gallant Officers who were in that House, he must observe that no plan was ever proposed by one, that it did not meet with immediate opposition from some of the others. He believed that at the end of a few years, if this plan as now proposed were adopted, they would find themselves just where they were, except, perhaps, that Captains of sixty-two or sixty-three years of age would be getting the proposed benefit instead of Captains sixty-five years old. But, above all, he thought that a question of the kind ought to be left to the Government to decide on, that they might choose a time, when, by adapting the plan to obvious evils, and securing the full advantage that could be derived from it, the country would be the more reconciled to the sacrifices to be made. He regretted that the Motion had been brought forward, and he should feel it his duty to vote against it, if the hon. and gallant Officer did not accede to the advice he had received to withdraw it.

Captain *Carnegie* could not give his support to the Motion, because it was a direct interference with the Executive Government, and because it was a wild and inconsiderate scheme. Great credit was due to the present Government for the recent appointments which they had made, and the objection to them resolved itself into an attack on their appointment of Admiral Owen to the Mediterranean Fleet. But he could bear testimony to the unimpaired intellect and vigour of that gallant Admiral, and he wished the country might never have a worse servant.

Sir *C. Napier* replied, as for the Commission, they had voted one thing to-day, and another thing on the morrow, just as the House had recently done on the factory question. It was a "thank-you-for-nothing" sort of affair. What was a mere grant of 6*d.* a-day to commanders, fifty of whom received what it was really too bad to offer them? There was not much force in the authority of the two civil First Lords appealed to, Lords Melville and Minto, particularly as Sir J. Graham had thought differently on the subject. As for the argument, that "the change would do no good," he protested against it. Why, a large proportion of those officers on the list were certain they never could arrive at promotion, and would gladly accept the pension. Who, among them, would not, who had attained the age of sixty, and was not within 100 of the top of a list of 1,800? The small chance of promotion not only produced secessions to the merchant service, but great discouragement to youngsters entering the Navy, on account of the growling and grumbling of the seniors. The result of the present system, continued Sir Charles, is, that you have a parcel of old admirals, perhaps some of whom could hardly put to sea without carrying away their bowsprits. It's absurd to imagine, that shrivelled old officers can command at sea, as they did when younger and stronger. I know, that many commanders of the present day would not dare to shut their eyes half the night; and I have heard it said, that some can't see the shore when they are very near it. I can say for myself, I, perhaps, have as good nerves as most men; but I declare I am not the same man at sea now, as I was thirty or twenty years ago. Who could be? It's all very well, for Lords and Secretaries of the Admiralty to pretend that this is not so; but it is human nature, and it must be. With one in fifty it may not be so; but, assuredly it is with the vast majority of men. I hope the gallant Officer will not be so obstinate as to say, "Because the Commodore keeps bringing this subject forward, I won't take it up." Now, for the noble Lord (Lord Ingestre), whom I taunted as tongue-tied. Why, didn't he second me last year? and now he won't vote for me! I suppose, on account of a reprimand from his chief, which I would not have taken so easily. I don't know how it is, but changes do happen in this House rather queerly. Men voting to-day this way, and to-morrow that. On the present occasion, the officials have told us so exactly the same story, that they must have, surely, got it up together. The right hon. Gentleman at the head of the Government must have said to the naval Lord, "You must say so and so; stick to me like wax," and the Secretary and he

seemed to have turned and twisted together, to see who could "do it" strongest. But I know if the right hon. Baronet were to unseal their lips, they and all the rest of the naval authorities would be for the proposition. The right hon. Gentlemen say, "Oh! the effect would be to give the old officers at the top of the list promotion, and pension off the young ones." This was, of course, cheered; but I will expose it. True, the promotion of the first two or three, at the top of the list, might do the Service no good; but, after that, the acceptance of the retirement by some 150 would remove so many —young men?—no, but men of sixty years of age—pretty youngsters they! —and would not that be a benefit? Let but the thing be tried, and the advantage will soon appear.

Sir *R. Peel* wished to explain. He stated, the estimate of the expense of the retiring allowance, for 100 officers had been nearly 18,000*l.*; but it had been also stated that no advantage could arise from the pensioning of a less number than 150, the cost of which would be 26,000*l.* If the House sanctioned this, it would exhibit itself less economical than the Government.

The House divided:—Ayes 28; Noes 71: Majority 43.

List of the AYES.

Aglionby, H. A.	Maher, N.
Bannerman, A.	Mitcalfe, H.
Barnard, E. G.	Morrison, J.
Berkeley, hon. Capt.	Plumridge, Capt.
Berkeley, hon. H. F.	Rous, hon. Capt.
Busfield, W.	Scholefield, J.
Chapman, B.	Stuart, Lord J.
Collett, J.	Tancred, H. W.
Dalmeny, Lord	Troubridge, Sir E. T.
Denison, W. J.	Wakley, T.
Esmonde, Sir T.	Wawn, J. T.
French, F.	Wemyss, Capt.
Gore, hon. R.	
Harris, hon. Capt.	TELLERS.
Hatton, Capt. V.	Napier, Sir C.
Hume, J.	Pechell, Capt.

List of the NOES.

Ackers, J.	Brotherton, J.
Adderly, C. B.	Carnegie, hn. Capt.
Archdall, Capt. M.	Clerk, Sir G.
Arkwright, G.	Cockburn, rt.hn. Sir G.
Bailey, J. jun.	Corry, rt. hn. H.
Baird, W.	Cripps, W.
Barrington, Visct.	Denison, E. B.
Bentinck, Lord G.	Dodd, G.
Botfield, B.	Douglas, Sir C. E.
Dowdeswell. W.	Lockhart, W.
East, J. B.	Mackenzie, W. F.
Egerton, W. T.	McNeill, D.
Eliot, Lord	Marsland, H.
Escott, B.	Martin, C. W.
Flower, Sir J.	Master, T. W. C.
Forman, T. S.	Masterman, J.
Gaskell, J. Milnes	Mordaunt, Sir J.
Gladstone, rt.hn.W.E.	Nicholl, rt. hon. J.
Gladstone, Capt.	Peel, rt. hon. Sir R.
Godson, R.	Peel, J.
Gordon, hon. Capt.	Plumptre, J. P.
Goulburn, rt. hon. H.	Polhill, F.
Greenall, P.	Pollington, Visct.
Greene, T.	Pusey, P.
Grimsditch, T.	Roebuck, J. A.
Grogan, E.	Smith, rt.hon. T. B. C.
Harcourt, G. G.	Sutton, hon. H. M.
Henley, J. W.	Thesiger, F.
Herbert, hon. S.	Thompson, Ald.
Hodgson, R.	Trelawny, J. S.
Hope, G. W.	Trench, Sir F. W.
Humphery, Ald.	Verner, Col.
Hussey, A.	Vivian, J. E.
Jermyn, Earl	Williams, W.
Knatchbull, rt.hn. Sir E	TELLERS.
Lawson, A.	Fremantle, Sir T
Lincoln, Earl of	Baring, H.

House adjourned, at ten o'clock.

HOUSE OF LORDS,

Friday, May 17, 1844.

MINUTES.] *Sat first.*—The Lord Abinger.

BILLS. *Public.*—1ª. Suppression of Brothels.

3ª. and passed:—Courts of Common Law Process; Courts of Common Law Process (Ireland).

Private.—1ª. Hitchin's (or Peach's) Estate; York United Gas; Chester and Holyhead Railway; Brighton and Chichester Railway; Coventry Water Works; Mariners' and General Life Assurance; Manchester Improvement; British Iron Company; Sir Thomas Wilson's Estate; Letting on Lease to Eastern Counties Railways Company the Railways and Works of the Northern and Eastern Railway Company.

2ª. Irvine's Estate; Farrington and Cwmgilla Inclosure; Bleddfa and Llangunllo Inclosure.

Reported. — Globe Insurance; Manchesfer, Bury, and Rossendale Railway; Maryport and Carlisle Railway; Blackburn and Preston Railway; Northern and Eastern Railway (Newport Deviations).

3ª. and passed:—Thetford Inclosure.

PETITIONS PRESENTED. By Earl Fitzwilliam, from Quakers in Ireland, for the Abolition of the Punishment of Death.—From Whiteabbey, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Landowners of Clare, for Inflicting a more Severe Punishment upon persons convicted of Arson.—By the Duke of Buccleugh, from Auchterarder, and 3 other places, for Improving the Condition of Schoolmasters in Scotland.—From Auchterarder, and Annan, for Abolishing Religious Tests in Scotch Universities.—From Royal College of Surgeons, Edinburgh, in favour of Medical Reform.—By Lord Beaumont, from Ellerton-upon-Swale, and 7 other places, for Protection to Agriculture.—From Metropolitan Painters, Sculptors, and others, for Legalizing Art Unions.—From Wilts, and several other places, against the Union of St. Asaph and Bangor.—From Guardians of Edenderry Union, for Inquiry into the Conduct of the Poor Law Commissioners. —From different Societies, for the Suppression of Seduc-

tion and Prostitution. — From Blackburn, against the Creditors and Debtors Bill.

THE UNITED STATES.—TEXAS.] Lord *Brougham*, seeing his noble Friend, the Secretary for Foreign Affairs, in his place, begged leave to ask, whether the Reports which had appeared in the public journals respecting a negotiation going on between the United States of America and the Texas, and the conclusion of a Treaty for the surrender of Texas to the United States, were well founded? [The *Lord Chancellor:* Not surrender—annexation.] He was very much afraid that these rumours were of too substantive a nature to admit of any doubt. He was, however, anxious to receive some information on the subject, as it was one of the greatest possible importance; involving as it did, many nice and delicate points connected with the Law of Nations, arising upon our Treaties with Texas, and the obligations under which Texas had come and still was to this country, and which obligations, on the annexation of Texas, would by one party be held to be dissolved, and by the other party to be only transferred. The view in which he regarded this question as peculiarly important, was as it related to the important and unhappy effect which such annexation was sure to produce on the question of Slavery in the New World. Putting aside its importance in other respects, its importance in a political and commercial point of view, the question was the great preponderance which the United States would acquire in the Gulf of Mexico, and the vast increase in its line of coast. The question which he wished to ask his noble Friend was, whether any negotiations had been entered into, or were in contemplation on this subject, and at what time his noble Friend would be in a situation to communicate any satisfactory information to the House on the matter? He must express the great satisfaction with which he understood that a very important party in the Congress was likely to disapprove of this measure. To render the Treaty effective, it was necessary that it should be sanctioned by two-thirds of the Members of the Senate, and he derived great satisfaction from understanding that a very important party in the Congress of the United States were likely to disapprove of this measure, and would oppose it. He saw with much surprise, in the documents that had been published on the subject, that what passed between his noble Friend opposite and himself on a former evening was adduced as a reason, on the part of the American Government, for the adoption of this measure. It was stated in these American papers, that it was on what his noble Friend and himself had said, on the occasion to which he had referred, that the American Secretary founded his opinion as to the necessity and propriety of taking this step. Now, it was a most preposterous and most groundless opinion, that any person in Parliament—that any Statesman of this country—entertained the slightest wish to interfere with the internal regulations of the United States. There was not a shadow of reason for the supposition that either (he could answer for himself, and he could also, he was sure, answer for his noble Friend opposite, with whom he held the conversation)—that either of them ever used one single word that pointed, in the slightest degree, to the desire of any party in that House, or out of that House, or in the country, to interfere in any way with the institutions of the United States of America, of which Slavery unfortunately was one. They had no idea of interfering with that which was strictly the Municipal Law of the United States. They had nothing to do with that law except to lament its existence, and to wish that the people of the United States might honestly, virtuously, justly, and speedily, but voluntarily and of themselves, get rid of it.

The Earl of *Aberdeen* said, that he thought his noble Friend could scarcely expect that he could give any precise answer to the question which he had put, or that he could enter at large into the most important subject to which he had adverted. This subject comprised questions which, he believed, were quite new and unexampled in the history of public laws. These matters undoubtedly demanded, and would receive, the earliest and the most serious attention of Her Majesty's Government, but he was not able at present to give any answer to the question of his noble and learned Friend. It was undoubtedly true that a Treaty for the annexation of Texas to the United States had been signed, but before it became of any validity it required the ratification of two-thirds of the Senate. Now he hoped,

and he shared with his noble and learned Friend the belief, that that ratification would not be acceded to. But it was impossible to speak with certainty on such a subject; but when the matter should be concluded one way or the other, he would be prepared to communicate to the House such information as would be consistent with his duty and the public service.

In answer to a further question from Lord Brougham,

The Earl of *Aberdeen* said, that those who had read the documents which had been printed in the public papers would see that he had given an explanation of the conversation to which his noble and learned Friend had alluded, (which was most accurately reported by the excellent Gentleman who represented the United States in this country), in his (the Earl of Aberdeen's) despatches to the British Minister in the United States.

POOR LAW (IRELAND).] The Marquess of *Clanricarde* rose to present a petition from the Board of Guardians of the Edenderry Union in Ireland, the subject-matter of which, with their Lordships' permission he would open at some little length, as it was in his opinion well worthy the attention of the House and the country. The Board of Guardians had forwarded remonstrances to the Poor Law Commissioners, against a plan for their workhouse, which was then about to be carried into effect, as being needlessly ornamental and expensive; they complained also, that the proposed site of the workhouse was improper and unhealthy; but their remonstrances were treated with contempt by the Commissioners, who persisted in their plan, and the workhouse was built. The result of this was, that there was no supply of water, no drainage to the house, and the Union besides was charged with a large sum to defray the expenses; in fact, they had been called upon to pay 1,250*l.* in addition to the original contract for building the workhouse. The petitioners prayed an inquiry. The Report of Mr. Pennithorne, who had been appointed by the Government to inquire into the state of the workhouses in Ireland, ought to have been on the Table by this time, but when they might expect to see it did not appear to be known. Their Lordships were well aware that the operation of the Poor Law in Ireland had created a strong feeling throughout Ireland. Perhaps, there might be places in Ireland—and he believed there were places—where the new law was looked upon by the upper classes of society with favour, but those were very few; and the large majority of the Irish people were dissatisfied with it and called for its alteration. In consequence of what had passed in Parliament last Session, it was expected throughout Ireland last winter that very extensive alterations in the law would be effected during this Session. Some time before Easter he had put the question to the Government on the point, and the noble Duke opposite (the Duke of Wellington) had referred him to the Report of Mr. Pennithorne, who had been appointed by the Government to inquire into the state of the workhouses, and to report to the Government, and which the noble Duke stated, would shortly be laid upon the Table of the House. On this he consented to wait for the Report. In the other House the proceedings had been not less remarkable. In the other House a consent had been given to the appointment of a Committee to inquire into the administration of the Poor Law in Ireland, but when it came to be nominated, the nomination was not made, and in fact the Committee was negatived, the plea being that the appointment of such a Committee was calculated to excite hopes and expectations in the minds of the people of Ireland which it would be well not to arouse, and which the Government could not gratify or encourage. Now, the only expectation that could have been excited was, that some alteration of the most obnoxious parts of this enactment would be made; and he could not understand what hopes or expectations could have been excited in this respect which the Government could not or ought not to gratify. No hopes or expectations of another character could, in his opinion, have been excited by the appointment of that Committee. All proceedings with respect to that Committee were now at an end, and he now felt himself at liberty to take any steps that he might consider necessary. He should not nevertheless take any steps to bring the matter more fully before their Lordships, if there was any probability that they should get this Report of Mr. Pennithorne in any reasonable time. It was reported that that Gentleman had made his Report, and further rumoured the tone of it was such, that the Government had thought it expedient to have a

second Report explanatory of the former, and, unaccompanied by which, it would not do that it should go forth to the world, and accordingly, that what he had written had been sent back to him to be altered. This was a very unfortunate rumour to get abroad, for it was also well known that Mr. Pennithorne was a man of the highest character, and it was very desirable that they should have his full and fair opinion, but he must say, he thought it would have more weight if it were known to come from him without alteration. But he trusted this Report was not all the information their Lordships were to have on this comprehensive and important subject; he should be very sorry if the inquiry into the propriety of making any alteration in the Poor Law in Ireland, which he hoped to see undertaken, were to be limited to the subject of workhouses only. On the whole, he thought it would be better for the Government to take the responsibility on themselves and amend the law at once; but, whether they did so or not, he could tell them, that if they would have peace in Ireland it would be impossible to maintain that law. The frightful state to which things were brought on this account, was shown by an instance recorded in the newspapers of the day of an affray occasioned by the collection of rates. The highest amount due was only 1*s.*, yet the exaction caused a serious affray, such was the exasperation of the people of Ireland against the New Poor Law, if their Lordships looked back to the predictions held out in the Committee, of the effects about to follow from the introduction in Ireland of this law, he would take upon himself to say that they would find none of those effects had been realized, or only so small a part of them as not to be worthy of consideration. Nothing like the results predicted had been verified. It must be remembered that this law was passed through Parliament and imposed on the Irish people, contrary to the wishes of nearly all the noble Lords who were connected with Ireland, and by far the greater part of the Irish Members of Parliament, and contrary to the wishes of the great majority of the people of Ireland.

The Duke of *Wellington* said, he had no knowledge whatever on the subject matter of the petition which the noble Marquess had just presented, but he could assure the noble Marquess that the Report of Mr. Pennithorne should be laid on the Table as soon as possible. Whether there were two Reports or one, he must say he was entirely ignorant, but whether one or two, they should be on the Table of the House as soon as possible. After the Report had been laid before the House, it would be for their Lordships to determine, whether it was expedient to go into further inquiry as to the working of the Poor Law in Ireland. If, after the Report had been laid upon their Table, it should be the wish of their Lordships that a Committee should be appointed, he would have no objection to the adoption of that course. Indeed, he was ready, if such should be the wish of the House, to move himself, for the appointment of a Committee. He had no feeling on this subject apart from a desire to promote the public interest and convenience; and he would, therefore, either assent to a Motion made by the noble Lord opposite, or by any other noble Lord, or he was ready to make a Motion on the subject himself. He would take the liberty of reminding their Lordships that the new Poor Law was originated by the noble Lords opposite, while they were in the service of Her Majesty, and that he (the Duke of Wellington), gave the measure his support from a sense of duty, because he thought it was calculated to benefit Ireland. He had throughout supported the measure; he proposed some amendments which he thought likely to promote its beneficial action; he had given it his support ever since; and he was prepared to do all in his power to insure its successful operation.

Houses of Ill-Fame]. The Bishop of *Exeter* said, he had to present a Petition on a subject in which, he was convinced, their Lordships would feel a deep interest, from gentlemen connected with different societies, who had made inquiries —inquiries conducted with great trouble, with great zeal, and, he would add, with great judgment and discretion—as to the unhappy condition of the common women of this great city. The petitioners did not approach their Lordships with the vain hope that any law could be devised to render the vices which caused the misery of these poor women a subject of statutory penalty. He had no doubt that they felt, as he believed their Lordships did, that this was a question rather of morals than of law. The petitioners hoped, however, to have the co-operation of their Lordships,

and of the other House of Parliament, in devising some stringent measures to protect innocent women from being debased and ruined by the artifices and conspiracies of seducers. He said conspiracies for though the existing law would reach conspiracy when proved, he considered it necessary that some law should be devised to meet cases of this nature, in which conspiracy could not be proved. The petitioners, as he had intimated, were members of different societies for the protection and reclamation of unfortunate women. They stated, in the first place, that the laws of this realm did not afford to young women that protection to which they were entitled, in common with every other class of Her Majesty's subjects; and that many of them were consequently subjected to great oppression, injustice, and cruelty. The petition went considerably into details. He would spare their Lordships the pain of hearing those details; but he hoped the statements contained in the petition would be seen by their Lordships, for he believed it was the intention of the petitioners to place a copy of the petition in the hands of every Member of that House. Their Lordships would learn from that petition the artifices which were resorted to in order to inveigle innocent women into haunts of infamy, and to render it impossible for them to escape from the meshes which were cast around them. He would not trouble their Lordships with details; but he would state that there were in London some thousands of houses supported to aid these vicious purposes, of which these young women were the victims, and that it appeared these women were almost invariably seduced by persons in superior stations to their own—these houses, into which the innocent and unsuspecting were frequently entrapped, affording facilities for that purpose. The petitioners stated that their object was to direct the attention of their Lordships to the iniquitous manner in which, in consequence of the inefficiency of the law, the ranks of these unhappy women were supplied from those poor and helpless beings who, under the pressure of circumstances, were unable to resist the powerful agency employed for their destruction. Some of the measures which the petitioners were, in the first instance, disposed to recommend were such as he thought ought not to be adopted by their Lordships. He had been in communication with them, with a view of inducing them to content themselves with embodying in a Bill such provisions as would really be practicable, without violating any principle of law, without undue inquisition into the habits of individuals, and in short without incurring the danger of encouraging vice by its public exposure. He moved that the Petition do lie upon their Lordships' Table; and he begged leave to present to their Lordships a Bill which he hoped their Lordships would permit to be read a first time to-night, and, in that case, he proposed to move the second reading on Thursday next. The title of the Bill was, "A Bill for the More Effectual Suppression of Brothels and Trading in Seduction and Prostitution."

The Earl of *Mountcashell* said, he was a Member of several of the societies from which the petition presented by the right rev. Prelate had emanated. It was high time that inquiry should be made into an evil which entailed misery, degradation and ruin upon thousands. He was convinced that, if an inquiry was instituted on this subject, the disclosures which would be made would horrify them. He hoped their Lordships would pass the Bill which had been introduced by the right rev. Prelate, though, in his opinion, that Bill did not go far enough. No legislative measure with relation to this subject had been adopted since the reign of George II., and the present law was so imperfect that it was a matter of difficulty to sustain a prosecution, even in the most flagrant cases. Their Lordships must not suppose that this Bill was proposed with the vain intention of putting down prostitution, but its object was, as far as possible, to prevent trading in prostitution. He believed, that when their Lordships had an opportunity of examining this Bill, they would see that it proposed no enactments which were not absolutely necessary.

Bill read a first time.

Petition to lie on the Table.

THE NEW HOUSES OF PARLIAMENT.] Lord *Wharncliffe* said, he had to call their Lordships' attention to the Report of the Committee of their Lordships' House, appointed to inquire into the progress of the building of the New Houses of Parliament, and report thereon. His object in requesting the attention of their Lordships to the matter was to get rid of

what appeared to be a most improper practice, namely, that of making alterations in the building of the Houses without the knowledge of the Treasury, of the Board of Works, or of Parliament. This proceeding was, in his opinion, most improper and unjustifiable. It would be in the remembrance of their Lordships that shortly after the destruction of the Old Houses by fire, and when it was determined to rebuild the two Houses, it was determined to invite the attention of the most able architects, by premiums, and, that in consequence, many designs and plans were delivered in, which were referred to a Commission, consisting of a certain number of Gentlemen who were supposed to be most conversant with architecture, and to be perfectly unprejudiced. The Commission accordingly examined these different plans, and decided upon the adoption of that presented by Mr. Barry. Although this plan was approved of generally by the Commission, there were certain portions of it which were not quite in consonance with their opinions. Those parts were altered, and the plan, so amended, was submitted to, and was approved of by a Committee of the two Houses of Parliament, and was ordered to be carried into execution, under the control of the Treasury Board, and of the Board of Works. A Committee had recently been appointed by their Lordships, to make inquiry into the progress of the building, and in the course of their inquiry, had found, that very considerable alterations had been made, and, in certain parts of the building, not consonant with the plan which had received the sanction of the Committee of both Houses of Parliament; and on calling on that Gentleman for an explanation, it appeared, that those alterations had been made, undoubtedly, without the sanction or knowledge of any person whatever authorised to direct such deviation; and although Mr. Barry stated before that Committee, that he had implied authority for making these alterations, it did not appear that he had made out his case in that respect. He (Lord Wharncliffe) would now direct their Lordships' attention to certain portions of the evidence taken before the Committee. At page 13 of the Report, he found the following examination of Mr. Barry:—

"The Committee understand that there have been considerable alterations made in the plan which was submitted by you to the Commissioners, and by them approved, in the year 1836. Will you be kind enough to state what authority was given for making those alterations?—There have been no alterations in the leading features of the plan, the alterations have been principally in the details.

"Those alterations which have been made, have they been made by any authority or not?—No; upon my own judgment.

"Without any authority?—Without any authority.

"Before being made were they described to any person?—To no person.

"Neither to the Commissioners, nor to the Woods and Forests, nor to the Government?—No.

"Do you consider the alteration you have made in the King's Gallery, and the erection of the Victoria Gallery, according to the present plan, a mere alteration of detail?—Yes; because there was an approach by means of a gallery in the original plan, but not of the dimensions now proposed."

There were several other questions of a similar kind. The alteration that had been made was this. By the original plan it was proposed that Her Majesty, when she opened Parliament, should alight from her carriage on the south side of the Victoria Tower, and from thence proceed by a staircase and galleries to a Robing-room behind the Throne in the New House of Lords. Now an alteration had been made in that plan, by which the entrance for Her Majesty had been placed on the eastern side, from whence the Queen was to proceed up a staircase and through a gallery to the Robing-room, and thence again through the gallery to the House of Lords. This alteration was one of material importance, involving as it did the consideration of the convenience of the Sovereign, and it was right he should state that it had been made without authority from any one. The noble Lord then proceeded to read further extracts from the evidence as follows:—

"Not one of the Government knew in the least of any alterations that were taking place?—Not one of the Government knew how the accommodation which has been from time to time required was to be provided.

"Then in fact the whole of this design has been recast without any responsible person being consulted?—I do not admit that the design has been recast; it has been altered in detail according to the directions I received.

"The alteration of the King's Gallery, for instance, and the alteration of the King's Hall,

were not absolutely necessary for the accommodation required?—They were all consequent on the execution of the orders which I received.

"They have completely changed the plan?—Yes.

Then, upon the last day of the meeting of the Committee, the following evidence was given :—

"The last time you were examined here, you stated, that you had made certain alterations without any authority from either the Treasury, or the Board of Works?—Not so; I stated that the alterations I had made were all made by direct or implied authority.

"When you speak of their being made either by direct or implied authority, what do you mean by implied authority?—I mean that I received specific orders for certain of the alterations made, and the remainder were the necessary consequence of carrying those specific orders into effect.

"With respect to the staircase and the entrance to the House of Lords, had you any direct authority for making that alteration?—None.

"Had you any implied authority?—Yes. As regards the Victoria Hall, that alteration may be considered as the result of an implied authority.

"Have the goodness to inform their Lordships what were the directions you received with respect to the Victoria Hall?—No specific directions with respect to the Victoria Hall, which did not even exist in the original plan. When I say the original plan, I beg to be understood to refer to the plan which was sanctioned by Parliament.

"There was a plan which was approved of and sanctioned by the Committees of both Houses of Parliament?—Yes; that is the plan to which I allude.

"There have been alterations made in that plan?—Yes.

"Are those the alterations you refer to, when you say that none have been made without direct or implied authority from the Treasury, or the Board of Works?—Yes; those are the alterations to which I have alluded.

"With respect to the staircase and the entrance to the House of Lords, there has been an alteration made?—Yes.

"On what authority has that alteration been made?—By the implied authority of the Government, as resulting from other alterations for which I had positive orders."

It appeared that there had been a demand on the part of several parties connected with the House for increased accommodation, and that Mr. Barry had received general directions to attend to such suggestions. Supposing, then, that Mr. Barry had, without special reference to authority, made some alterations in the smaller and less important parts of the building, it did not appear that his licence in that respect extended to, or would account for a change so material as that which had been made in that part of the House to which he had referred. These circumstances having come to the knowledge of the Committee, they thought it their duty to communicate them to their Lordships. And with regard to that Committee, he must take this opportunity of protesting against their objections to these alterations being viewed as a matter of taste. He did not know whether his noble Friend would take upon himself the responsibility of pronouncing upon the alterations as a matter of taste; but he (Lord Wharncliffe), both individually, and as chairman of that Committee, distinctly repudiated all such responsibility—he had nothing to do with the alterations, regarded as a matter of taste. But he thought that in a building upon which such an immense sum of money would be expended, alterations involving the accommodation of the Sovereign, when she visited Parliament, and of their Lordships, should not be made, from the original plans, without some reference to some responsible authority, or without the sanction of the parties to whom was intrusted the examination and control of the building. He had no desire to pass any unnecessary censure upon Mr. Barry; all he desired was to call the attention of their Lordships, and of the Treasury and Board of Works, to the subject, and he had no doubt they would afford it their prompt attention. With respect to those parts of the alterations, which were stated by Mr. Barry in his justification, to be required on account of the arrangement for ventilation, Dr. Reid had distinctly said, that it was not necessary that they should be made on that ground, and if it were so, that was no reason why he should not have consulted the proper authorities. Having concluded what he had to address to their Lordships on this subject, he would beg to move that the Report of the Committee be referred to the Board of Works.

Lord *Sudeley* felt, that an apology was necessary from him, for taking up their Lordships' time by any observations of his. He knew well that the subject was an extremely dry one to those who had never applied their minds to the subject of art; but there were among their Lordships, many individuals much better qualified

than he was to do justice to it, whose opinions he hoped to hear after he sat down. It was perhaps not known to many of their Lordships, excepting from what had fallen from the noble Lord opposite, that he (Lord Sudeley) was one of the Commissioners appointed nine years ago, to select from among the plans sent in by the competitors for the honour of erecting the new Houses of Parliament, the four which they should esteem to be of the greatest merit; and he could assure their Lordships, that that had proved to be a labour of no small magnitude. There were no less than 97 plans, each accompanied by 10 or 12 drawings, the whole number being from 1,000 to 1,200. All these the Commissioners had to labour through, to examine them accurately, to determine which were the most meritorious, and to select four plans, to be delivered up to His Majesty and the Houses of Parliament, in order that they might pronounce whether the choice made were deserving of sanction. It was perfectly true, as had been observed by the noble Lord opposite, that in performing that duty they thought it necessary to state in their Report to the King, that some particular objections existed, with respect to the plan which most met their approval, which ought to be removed; but it might very reasonably be asked why, when other alterations were to be made, the Commissioners did not suggest others? For this plain and simple reason, that they did not feel themselves authorised to suggest any alteration that would involve a recasting of the plan. Their situation, it would be admitted, was none of the pleasantest in the world, for they were subject to all the attacks of the various competing architects who had not been so successful as their rivals, and not only to those, but they had to go through the ordeal of an examination before a Committee of the House of Commons, which sat and examined himself and his brother Commissioners for no short time. They sustained a very long and arduous examination, in the course of which the present Premier, Sir Robert Peel, put many inquiries; and they then stood sponsors, that if the plan of Mr. Barry was adopted, it could be rendered at least equal, if not superior, to any other submitted to them, not only from external beauty and grandeur of design, but for convenience of accommodation of all the internal arrangements. They were asked by Sir Robert Peel this question:—

"Disregarding for the moment the beauty of the exterior, was there any plan of the whole offered to you that was equal to Mr. Barry's in point of accommodation and convenience?" "I should say that there were."—"That there were some equal?"—"Yes, quite. I have no hesitation in saying it is my opinion that there were."—"You consider still there are material improvements that may be made in Mr. Barry's plan as to the interior, in addition to that which you have suggested?" "No doubt many may be made, and without the least injury to the external beauty of the design." Again:—"You think that Mr. Barry's plan is capable of being made with the improvements you have suggested, and the additional improvements that it may still receive; you think Mr. Barry's plan is capable of being made at least as good as to the interior arrangements exclusively, as any plan which has been submitted to you?" "Certainly; I have no hesitation in saying so." —"And that in that case, after the improvements so made, we then shall have the plan which will combine as much of interior accommodation as any other, and more of external beauty?"—"Certainly."—By Mr. Hume:—"Are all the entrances on one floor?"—"Yes."—"Now, with regard to the passages, has attention been paid to the passages being at the side where you could have light?"—"Yes; there is no corridor or office that is not well lighted; I paid particular attention to the subject of light, anticipating that I should find greater failures in that respect than any other. To the best of my recollection there was no part of Mr. Barry's plan, save one, that was not well lighted, and the objection made on that ground has been since partly, and will be wholly, removed." By the Chairman: "Do all the Commissioners agree in the question that was put, that suppose Mr. Barry's plan were adopted it might be made equal in its interior arrangements to any other plan they had before them; Mr. Tracy has said that that is his opinion, and it is important we should know whether the other Gentlemen agreed with him in that opinion?" Sir Edward Cust: "I should be glad to say, in answer to that question, that I perfectly coincide in every word that I have heard fall from Mr. Tracy, and had I not done so I would have taken the liberty of putting forward my opinion as I have ventured to do upon those points in which I thought there was anything omitted to justify my interference." Mr. Liddell: "I entirely agree with everything that has passed." Mr. Vivian: "My opinion is also decided on that point." Mr. Tracy: "With regard to perfection in a plan, I wish to be understood that, in my opinion, there is no such thing as perfection in architecture; Mr. Barry may go on improving his plan, and I do trust that, if it is adopted, it will be improved from time to time in parts not actually under hand, until the building is completed."

It must be quite clear to their Lordships, that the Commissioners expected extensive and important alterations to take place, and

many of those alterations were immediately made, and he thought he could prove to their Lordships' satisfaction, that with regard to the evidence read by his noble Friend opposite, in which Mr. Barry stated that the deviations from the plan which were animadverted upon, were made upon his own judgment, and without any authority; he (Lord Wharncliffe) did not understand that any other plan was in question than that which was signed and sealed by the Commissioners—but there was another plan submitted to the Committee of the House of Commons before the estimates were made, and which was the one which had been ordered to be carried into execution. Now, the next day Mr. Barry stated to the Committee that, in saying that these alterations were made on his own judgment and without authority, he had made an admission that he did not intend—that he did not understand, when a deviation was spoken of, that it was from any other plan than that approved of by the Joint-Committee, and on which the estimates were made. He (Lord Sudeley) had given it as his opinion that several alterations should be made, and in particular the removal of the House of Lords more to the south, to get a greater space between the general central Lobby and that of the House of Lords, to afford additional light and air to the basement. This was prior to the day when the plan on which Mr. Barry rested his defence was laid on the Table. Mr. Barry, on his examination, was asked by the Chairman:—

"The Committee wish to know what alterations have been made since the plans were sent in?" "The principal alterations are a removal of the entire building from Westminster-bridge to the extent of 150 feet, instead of being, as in the original design, 60 feet; an extension of the river front, which has enabled me to enlarge the whole of the internal courts for the purpose of increased light and ventilation; a removal of the two Houses to a greater distance from each other, and certain modifications in the arrangement of the offices, residences, &c. The plan, in all other respects, remains much the same, except in being more square, and upon a parallel with Westminster Hall, in consequence of a late alteration in the line of embankment towards the river. The composition and character of the design remain nearly the same." —"Has there been any new distribution of the rooms?" "Not any that are material, except as far as regards four committee-rooms adjoining the Speaker's house, which might have been inconvenient, as intercepting the access of the Speaker to and from the House. These Committee-rooms are now placed in the centre of the river front." Again, "Have the alterations, as contained in those plans, the distinct approbation of the Commissioners?"

To which he replied, "Entirely so." Now, if there were any other plans—and nine years had elapsed since this took place—he (Lord Sudeley) had never seen them, and it was perfectly clear that the plan to which Mr. Barry alluded was the identical plan laid before the Committee of the House of Commons, on which the estimates were framed, and not the plan selected and sealed by the Commissioners. The noble Lord opposite had not been very correct in his statement regarding the alterations that had been made on the original plan. The Queen's carriage originally was to enter the Victoria Tower from the west, and, turning round the large centre pillar, was to set down Her Majesty on the eastern side, and then make its exit by the south; Her Majesty then ascended stairs of no less than two flights, with an area for the stairs of no less than thirty-four feet. He mentioned these circumstances because the noble Lord thought, as a matter of taste, that the alterations were improvements. [Lord *Wharncliffe* said, he had no opinion on that point—they might be.] He hoped their Lordships would consider this part of the subject well. Mr. Barry's plan had been chosen because it was thought the best, and they ought to have the best. The subsequent plan of Mr. Barry included a very spacious hall, with a robing-room behind the House. With respect to the Victoria Tower, there was originally a pillar in the centre, round which the State Carriage was to turn. To this there was a serious objection—the impossibility of going round the pillar and making an exit to the south with any regard for the safety of the person of the Sovereign. He (Lord Sudeley) remonstrated with Mr. Barry several times on this point, but without any success whatever. Mr. Barry would not entertain the question at all. But on going to the Master of the Horse, he learned that it was not so practicable a matter to go round the pillar, and finding that, he removed it. If it were only taking the pillar away, it would be of no consequence, but this involved the alteration of the whole plan. Perhaps the noble Lord opposite was not aware of that. He could not agree with the noble Lord that, as a question of taste, there was no defect in the stairs; the noble Lord

thought there was no difference between a staircase of thirty-four feet and one of fourteen feet. [Lord *Wharncliffe* remarked that he had no taste on the subject.] He hoped that what the noble Lord said would weigh with their Lordships accordingly. He strongly objected to the plan of the staircase, and thought it was impossible that it could be put into execution. That was not only his (Lord Sudeley's) opinion, but that of every individual on the Committee. There was not one who did not condemn the stairs. Mr. Barry incurred the expense of putting up the stairs in wood, to prove that he (Mr. Barry) was right. And what was the consequence? They were unanimously condemned. In the latter plan the quarter space was put in the centre, the object of which was to make the stair easier of ascent. A flight of twenty-five steps, without a landing-place, was very objectionable; ten or twelve, at the utmost, were quite enough; more gave the idea of fatigue in the ascent, and of danger in the descent. In the examples referred to by Mr. Barry, the Caserta at Naples, and the Scala Regia at Rome, &c., twenty-five steps without a landing-place might be accounted for without admitting that it was the acmé of perfection in building stairs, Mr. Barry was asked if he could point to any such example in London, but was obliged to say that there was none. If their Lordships wanted authority in favour of the view he was pressing on their attention, he might refer to Mr. Barry himself. In the first plan which he had produced, there were two flights to the King's-hall, and in each of these two flights there were twelve flyers. This is pretty strong evidence against himself, and in his amended plan there were three flights of only nine flyers each. How came it that Mr. Barry did not introduce a long flight in the first instance? Perhaps his journey to Italy had had the effect of entirely changing his ideas on this subject. He defied any architect to make a good flight of stairs without taking down a part of the work. He (Lord Sudeley) could only say, that if such a staircase were on his own property, he would not keep it up; rather than complete it he would take down the work. Then at the top of this staircase was a pillar which intercepted the view of the Victoria Gallery, but as there could be no serious objection to its removal, he would say no more on that subject. He had had very great difficulty in finding out the alterations made by Mr. Barry in his design, and had only been enabled to discover them by turning his whole attention to the subject during the Easter recess. With regard to the Victoria Gallery, Mr. Barry, in his recommendation to the Commissioners, observed, that he had carried up the two Houses of Parliament much higher than the rest of the building, in order to obtain facility for light, warming, and ventilation. In these respects all was altered, and the light was not nearly so good as it would have been by the original plan. The reason assigned was the adoption of Dr. Reid's system of ventilation. But surely there could have been no difficulty in carrying the ventilation along the eastern front to the central tower. If Mr. Barry had gone to Dr. Reid and acquainted him that, by his plan of ventilation, it would be necessary to carry the roof of the Victoria Gallery as high as that of the House of Peers, and that by doing so the light in the surrounding Courts would be considerably injured, he believed Dr. Reid would have informed him that it was not at all essential, as he had distinctly stated on another occasion. There was another objection to the plan as it now stood, though not quite so material, that there was no communication from one side of the House to the other, excepting through this immense Victoria Gallery; of course, if that were the case—it was merely matter of economy, perhaps—this immense room must be constantly ventilated and lighted up. It might be perfectly right to allow a large space for the display of fresco paintings; he did not mean to say, that there were no objects which would induce him to carry up the walls of the Victoria Gallery to the proposed height, but he did say that Mr. Barry's answer to the question, what had induced him so to carry it up—that it was for ventilation—was not strictly correct. Again, it was very strange that, at the eleventh hour, when the plans had been eight years under consideration, Mr. Barry should not know what arrangement was best for the Queen's Robing Room. Having had a hint that it was desirable to have a large Robing Room, he then placed it on the west end, or rather the south-west corner of the House of Lords. This was strongly objected to by the Committee, and very justly, as the Queen, setting out on her journey from the west, after making a circuit by the Victoria Gallery, of no less than 130 feet, arrived at her Robing Room, the extremity of which was as far west as the point from

which she set out. He thought this very objectionable, as it would seem to be making a mere show of the Queen, regardless of her comfort. There might have been an opportunity for a grand display, if that were wished for, in going through Westminster Hall, or from the end of Westminster Hall to the Victoria Tower. It was very strange that this part of Mr. Barry's plan, which ought to have been arranged years ago, should be still unsettled. Mr. Barry himself acknowledged that all his plans had been framed without communication with the Government, and he said that he thought that Government had exercised a wise discretion in leaving it all to his judgment, and not interfering with the arrangements for the interior of the building, the responsibility resting on himself, who was better acquainted than any one else with the details of the building, and the objects to which they were to be applied. But would it be any satisfaction to their Lordships, when the building was completed, if it should be found seriously defective? Were their Lordships to be told that it was much to be regretted that a mistake had been made, and confidence had been placed in a gentleman who had not fulfilled the expectations formed? When Parliament was laying out a sum of a million, he did think it was incumbent on them to look to the way in which these works were conducted. In architecture, of course, it was impossible to attain perfection, and in every plan some alteration must be expected; but he certainly thought there was good reason to complain of the secresy with which these works had been conducted. Some time ago, he believed, a number of lithographed plans were made; but he had never met with one of them, and it was only by mere accident that he had become acquainted with the points to which he had directed the attention of the Committee. He (Lord Sudeley) would say that whatever confidence he had in Mr. Barry, he never felt that confidence which would have induced him to leave Mr. Barry with the power to make any alterations which he might fancy without authority. The Commissioners had pointed out in their Report to the King, that alterations should not be made, without being submitted to competent judges, and maturely considered; so that the unity of the design might not be injured. He trusted the Government would take care that no alterations were made in future without their express direction and authority, and that no delay should take place in having the rest of the plans laid before the Committee. He ought to apologise for having taken up so much of their Lordships' time, on a subject which he wished had fallen into the hands of some one better qualified to do justice to it. He was satisfied that in the alterations which had been made, Mr. Barry had not shown the judgment that might have been expected from his acknowledged ability.

The Marquess of *Lansdowne* said, his noble Friend had expressed opinions with respect to some of the details of the plan, which were very much matters of taste; yet he apprehended it would be very inconvenient to enter into a general discussion of the subject, as there was no time at which a discussion was more distasteful than after the hour of seven. What he wished to state, was, that he entirely concurred in the opinion expressed by the noble President of the Council, as to guarding against alterations being made without sufficient authority. He had occasion to know, that the very able architect, who had been so fortunate as to obtain the prize for the designs for the new building, and was now employed in carrying them out, had not made alterations on his own authority, unless they were consequential upon some change enjoined upon him, for which there was sufficient reason, or for which he had obtained authority. He had reason to know, also, that in the opinion of the noble Earl at the head of the Woods and Forests, no material change had been made by Mr. Barry, except what naturally flowed from, or what enlarged the original design of the Victoria Tower. The alterations suggested for the purpose of obtaining an uniform level for ventilation, were made at the instance of Dr. Reid. With respect to alterations generally, he agreed that, before they were undertaken, they should be submitted to some superior authority. This could not be done by discussion in that House, and, perhaps the more proper course would be to appoint a Commission to consider the subject of alterations. He hoped it would not be necessary to adopt such a step, however, and that an understanding would be come to, by which no alterations would be made without the sanction of the Government or other competent authority. If their Lordships proposed to review the whole plan, that was another question, which could not then be considered; but he apprehended the

proper mode to do that would be by a new Committee. He trusted no such change would take place. If the Motion of his noble Friend were to convey anything like a censure upon Mr. Barry, he would not consent to it, because he thought that Mr. Barry had not only shown great ability and zeal, but had on all occasions evinced a desire to consult the wishes of Parliament and the country.

Lord *Brougham* concurred in the desire expressed to postpone this Motion. He did not wish to be supposed to censure Mr. Barry for any great faults, but this Motion would convey a warning absolutely necessary. He did hope Mr. Barry would earn the praise (which he certainly had not hitherto) of making no alteration but under the sanction of some competent authority. For many of his changes up to this time, he not only had no authority, but he never told anybody what he meant to do. So far from the evidence bearing out that the alterations made by Mr. Barry himself, were purely consequential, it went to nothing of the kind. He never said a word about "consequential alterations," the first time he was examined; he had no authority from any one; and he was afraid that those changes, which were the work of Mr. Barry's brain alone, were connected in one part of his evidence with some prior instructions. As for the taste of those buildings, far be it from him to throw the blame exclusively on Mr. Barry. They all knew what kind of building the new Houses would be when completed, a great long low Gothic building, which in a few years, or more likely in a few months, would become encrusted with smoke, and covered with innumerable Gothic ornaments, until it resembled a large engraving—an eye-sore to every body of taste (if taste were not seen going over the bridge with a green shade over its eye) and remaining as a proof—when classical taste shall have overwhelmed, not in his time, but when he was rotten in the grave, this Gothic mania—how little difference there was as to architectural beauty between the ninth and nineteenth centuries, and how the people of our day spent a million of money in erecting a monument of their barbarity. He knew his noble Friend (the Marquess of Lansdowne, who was laughing heartily) had a great contempt for his opinion, but he still must maintain, that however admirable such a style might be for Cathedrals, it was not suited to buildings of this description. But as to the Great Hall alluded to, that was not a matter of taste, but a matter of convenience, not only to Her Majesty, but to the Parliament. To have to traverse a Great Hall, 120 feet long, and forty-five broad, a great reservoir of cold, could only be done in the day-time in "darkness visible," and late, by the aid of a great quantity of lights. That was no "consequential" alteration, the Committee of Taste having desired that proper attention should be paid to the due dimensions of this part of the building. He protested, in the first instance, on the part of the people who have to pay for it, and in the next place, on the part of the people who have to look at this building, against having immense walls covered, if not with dust, with masses of oil. Why, the glare of every wall, covered in such a way, is frightful to think of. He had another objection to this plan; he defied them suddenly to call into existence such a number of paintings, without getting trash, of the most hideous description. To cause men to paint by the square acre, is not the way to encourage the arts. He greatly doubted whether fresco paintings were adapted to our climate at all, but still more, whether they were the proper paintings to adorn such walls as these. The beautiful—the divine—the immortal frescoes of Raphael, in the Vatican, which his noble Friend (the Marquess of Lansdowne) and himself, visited together, he well knew were not painted in immense bodies. Last of all, he must object to Mr. Barry's constant fighting on the subject of delay. There was a constant struggle with him for the last two Sessions, to prevent his putting off, and putting off, the opening of their Lordships' House, until in the present Session they so far overcame the difficulty as to get the promise that next year it should be ready. Mr. Barry evidently wished, like all great artists, to surprise the public by the opening for inspection all the works at once. He differed from him utterly. The House of Commons had never so good a one to live in as their present House, whereas their Lordships had the worst they ever had, and all this through their giving up their House to the Commons for their accommodation. He hoped the most vigorous measures would be taken by Government to prevent further delay, and he hoped they would

not grudge the few hundreds necessary for temporary fittings up.

The Marquess of *Clanricarde* concurred in the opinion, that there should be no further delay. He agreed too with every one who had spoke, that there should be some overruling authority, without whose consent, the architect could make no alterations. As for giving this authority to the Boards of Treasury and Works, though they were both great departments of the State, their members had great functions to perform, and as a matter of certainty, the right hon. Baronet at the head of the Treasury could not be expected to devote any of his attention to this subject. The other Lords of the Treasury (some being his acquaintances, and others whom, though he did not know, he respected), were not exactly the men to whom Parliament, in his opinion, would delegate its authority. If either of these departments had the superintendence, they would be guided by what they considered the wishes of the Government. Ministers, it must be presumed, would not hold Cabinets on the subject, and the difficulties of Mr. Barry would be increased by having to conform with different directions, sometimes emanating from the Woods and Works, sometimes from the Treasury, and sometimes from the Crown. Being one of those inclined to blame Mr. Barry, he must admit that the evidence showed he had already executed orders proceeding from different quarters. He thought the best course would be either to issue a Committee composed of persons of either House, assisted by others out of them, or to appoint a joint Committee of both Houses, that should have the exclusive superintendance. As to the Library, he begged to ask, what was the use of placing plans of it on their Table, if they did not know to whom to offer suggestions.

Lord *Colborne* thought it impossible to erect such extensive buildings without some deviation from the original plan; and he moreover believed, that none of those alterations of Mr. Barry's which had been spoken of were not the result of deep thought, and that many of them were highly beneficial to the beauty and convenience of the building. He did not mean that they should be adopted without the check of authority. But what check was now proposed?—Mr. Barry was to consult the Board of Works and the Treasury. With all respect to the persons composing those Boards, he (Lord Colborne) entertained strong doubts whether an application to them by the architect, would be little more than nominal and formal, and whether it would not be throwing the responsibility off his own shoulders. You must place confidence in an architect. [The *Lord Chancellor*: "You will never get good work from an architect if you don't."] The opinion of the Board of Works would be worth nothing. You had here a good artist and he had given a good plan. But he would suggest this—that Mr. Barry should be required, within twenty days after the Meeting of Parliament, to lay a Report on the Table, stating the progress of the works and the alterations made.

The Marquess of *Normanby*: Ay, after the whole thing was completed.

Lord *Colborne*: As to the appointment of a new Committee, that, depend on it, would be an endless affair. It was not Mr. Barry's fault that such a space was allowed for pictures; he was forced into the change.

The Earl of *Besborough*: It must be remembered that Mr. Barry was appointed, not by a Commission, but by Parliament. As to alterations, the instructions were sufficiently specific. If they looked to page 26 of the Report, they would find that any alterations to be made must be by the Commissioners of the Treasury, or those of the Board of Works, or of Mr. Barry with their sanction. He should observe, that the instructions had come to the Office of the Woods through the Treasury in every instance; and that there were also letters from the Commissioners, giving authority to make certain changes. He thought the Commissioners of Woods relied with confidence on Mr. Barry's carrying into effect their instructions without deviation. He placed the fullest confidence on Mr. Barry's assertion, that he conceived himself authorised to make the alterations he did. It was but justice to Mr. Barry to say that he had a most difficult office to perform; but he had, in his opinion, gone a greater length than he was justified, particularly as the contracts had been made with great minuteness, upon his own specification, which he feared were not always strictly adhered to.

The Marquess of *Normanby*: It had

been said that the Report of the Committee was not justified by the evidence. Now, he had never seen a Committee that had entered into an investigation with more zeal; nor could any body be more anxious to do justice to Mr. Barry than this Committee; and when he stated that Mr. Barry had exceeded his discretionary powers, and that future alterations should not be made without reference to proper authority, and that the Report was not only consistent with the evidence, but carried unanimously, that the result of the inquiry was an unanimous impression, the throwing out of such an observation could do Mr. Barry no service. No man had a higher respect for Mr. Barry's abilities; but he must say, that after the enquiry, the impression made upon his mind was, that the alterations which had been made without authority were not such as would induce him to concur in the opinion of his noble Friend, that such alterations should be left in future to Mr. Barry's discretion, to be reported to Parliament after they were done.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, May 17, 1844.

MINUTES.] BILLS. *Public.—Reported.*—Customs Duties; Metropolitan Buildings; West India Relief, etc.

Private. — 2°· Westminster and Lambeth Suspension Bridge.

Reported.—Sheffield United Gas; Canterbury Pavement.

3°· and passed: — Manchester Improvement; Coventry Waterworks; Salford Improvement.

PETITIONS PRESENTED. By Mr. Maurice O'Connell, from Ireland, 96 Petitions, and by Mr. Etwall, from Southampton Reform Association, against Irish Registration Bill.—By several hon. Members, 48 against Dissenters Chapels Bill, and 107 in favour of the same. — By Mr. Granger, from H. L. Blenkinsopp, and from Melton Mowbray, for Alteration of Ecclesiastical Courts Bill.—By Viscount Duncan, from Bath, respecting Post Office Arrangements on the Sabbath. — By Sir R. H. Inglis, from Chipping Sodbury, in favour of a Bishopric at Manchester. — By several hon. Members, 12 for Legalizing Presbyterian Marriages. — By Mr. Hindley, from Baptist Union, against further Grant to Dissenting Ministers.—By Mr. Broadley, from York, Mr. Dowdeswell, from Wincheomb, and Mr. G. W. Hope, from Southampton, against Union of Sees of St. Asaph and Bangor.—By Mr. Masterman, from Merchants of London, respecting Coffee. —By Mr. Bailey, from Brecon, and Colonel Lowther, from Westmoreland, against Repeal of the Corn Laws.—By Mr. Ferrand, from Wood Sawyers of Bury, for a Tax on Steam-Sawing Machinery.—By Colonel Rushbrooke, from Great Bradley, and Portlingford, for Alteration of Law of Arson.—By Mr. Kemble, from Clapham, against Commons Inclosure Bill.—By Mr. Walker, from Bury, against County Courts (Lancaster) Bill, and in favour of County Courts Bill.—By Dr. Bowring, from Church, etc. and by Mr. Hornby, from Blackburn, against County Courts Bill; by Sir J. Hanmer, from Hull, and Mr. R. Palmer, from Newbury, for Alteration of same; by Mr. V. Smith, from Sheriff of Northamptonshire, for Compensation; and by Viscount Palmerston, from Romsey, in favour of Bill.—By Lord Ashley, from Acton, and Kennington, and by Viscount Palmerston, from Chorley, for Limiting Hours of Labour.—By Mr. Ewart, from Brunswick-square, for Mitigation of Sentence passed on Mary Furley. — By Mr. F. Baring, from British-born Jews, for removal of Jewish Disabilities.—By several hon. Members (11), for Alteration of Poor Law.—By Mr. Granger, from Crossgate, against Exempting Workhouses from Rates.—By Mr. Baird, from Airdrie, and by Lord Dalmeny, from Culross, against Prisons (Scotland) Bill. —By Sir C. Douglas, from Warwick, and by Lord Eliot, from Launceston, against Rating Owners of Tenements. —By several hon. Members (5), for ameliorating the Condition of Schoolmasters.—By Colonel Damer, from Portarlington, for Interference in behalf of Waldenses.

THE CHURCH (IRELAND.)] Mr. *H. G. Ward*, seeing the noble Lord, the Secretary for Ireland in his place, wished to ask a question relative to a Return recently laid upon the Table of the House, and in order that he might make his question intelligible, he must advert to what had taken place last year. He had stated, that the whole revenue of the Irish Church was 552,753*l.* yearly. His noble Friend (Lord Eliot) had contradicted him, and gave an estimate of the whole revenue of the Irish Church, as if made out by the Ecclesiastical Commissioners, at 432,023*l.* It was afterwards stated by his noble Friend, that he had mis-stated the fact, as there was an error in his Return of 120,000*l.*, which had been afterwards discovered, so that he (Mr. Ward's) estimate of 552,000*l.* was nearly correct. A Return was then ordered by the House of the actual amount of the revenue of the Irish Church. That Return had been ten months in preparation, and all it said was, that the net revenue was 160,744*l.*, without any details. The return only referred to the Bishoprics and Benefices which had become vacant. It stated:—

"The Official Documents in the possession of the Ecclesiastical Commissioners for Ireland do not enable them to afford the information required, further than with respect to the six Bishoprics which have become vacant since the establishment of the Ecclesiastical Commission, the gross revenues of which amount to 29,415*l.* 11*s.* 10½*d.*, the net to 26,674*l.* 4*s.* 3½*d.*; and with respect to the 680 Benefices that have become vacant from the time aforesaid, the gross revenues of which, amount to 196,611*l.* 9*s.* 3*d.* the net to 160,744*l.*"

He wished, therefore, to ask his noble Friend, whether he could reconcile it with his conscience and his duty to say, that this was the only information which the Irish Government and the Irish Ecclesiastical Commissioners were able to give the House.

Lord *Eliot* believed, that his hon. Friend had correctly stated what had taken place on a former occasion. He had wished to have as accurate a Return as possible. He had received a Return from one of the Ecclesiastical Commissioners, of which he had availed himself: he had subsequently received a letter from the gentleman who had sent him the Return, stating that, owing to the deaths of two near relatives, he had not been able to pay that attention to the accuracy of the statement which he would have wished, and at the same time he fully admitted the accuracy of his hon. Friend's statement. He had since understood, that the information which had been furnished to him had been taken from the Report of the Ecclesiastical Commissioners of 1831, and that the Irish Government, or the Ecclesiastical Commissioners, had no other information. He apprehended, that Parliament had no right to call upon the Bishops and Clergy to make a return of their incomes, and if they were called for, the order would probably be disregarded by a great number of the Clergy. The House had no right to call upon these gentlemen for a Return. The only mode by which they could obtain the information, was by voting an Address to the Crown, praying for the appointment of a Commission to enquire. It would be for the House to deal with that Motion, and he could not hold out any hopes that the Government would assist in it. He was very anxious, that all the information should be given, but it was not in the power of the Government, or of the Ecclesiastical Commissioners to give more accurate information. If they wished for a more detailed return of the Bishoprics or the Livings, which had come under the operation of the Church Temporalities' Act, it could be given; but with respect to all Bishoprics and Livings which had not come under the Ecclesiastical Commissioners' jurisdiction, neither the House nor the Government had any power to procure a return.

Mr. *Shaw* said, the hon. Gentleman (Mr. Ward) could not be more anxious than he (Mr. Shaw) was, for a full return to be laid before the House of the revenues of the Irish Church. He had, both last Session and the present, moved for Returns with that view, and he believed the heads and authorities of the Church in Ireland were assisting in having them completed, but there were no official means for doing that. The Ecclesiastical Commissioners, in the Return referred to by the hon. Gentleman, did not profess to give the whole property of the Irish Church, but merely that which came immediately under their own eye, and for which alone they could be responsible, namely, the suppressed Sees, and the Benefices which had become subject to tax from having changed hands since the passing of the Church Temporalities' Act. He had suggested various sources from whence information could be obtained, and he hoped in the end, to have the information as complete as possible; but there were great difficulties of the kind alluded to by his noble Friend, from there being no Public Office or Authority, which could make the return. His great desire was to meet the exaggerated statements of the wealth of the Irish Church, by having a full and simple account of her entire revenues laid before the House and the public.

Mr. *Sheil* wished to know from the noble Lord, whether he had any objection to lay the letter of Mr. Irck on the Table of the House?

Lord *Eliot* said, it was a private letter, and he did not see what good could be obtained by its production.

Mr. *M. J. O'Connell* said, that from whatever cause it happened, a new light had broken in upon the noble Lord and the learned Gentleman the Recorder. The course pursued by the noble Lord, and the right hon. and learned Member for the University, after the mistake of Mr. Irck, was most strange. The learned Recorder had moved last August, for a large detailed Return of the Revenues of the Irish Church. Those Returns had never been laid before the House, and he believed that the Return of the hon. Member for Sheffield was intended to take their place. The learned Gentleman having moved for Returns, which it now turned out there were no means of ever obtaining, although they had been quoted, it was now said, in true Dogberry style—"I will give you plenty of reasons, but none upon compulsion." It was very difficult to discuss the question, if the information were withheld, and he thought there must be something wrong where there was this concealment.

Lord *Eliot*, as a charge had been made against him, wished to say a few words. The hon. Gentleman had misunderstood him. When the Returns were ordered, he had been under the impression that the

Ecclesiastical Commissioners had the means of procuring the information. It turned out, that they had nothing later than the Report of the Commission of 1831. He did not believe there was any substantial difference between the revenue then, and now, and he believed, therefore, for the purpose of argument, the Return of that Commission might still be used.

Subject at an end.

SIX CLERKS—COMPENSATION.] Lord *J. Russell* said, that the right hon. Baronet had stated the other night that Lord Cottenham had given his assent to the Compensation Clauses, in the Bill relating to the Abolition of the Office of the Six Clerks. He (Lord J. Russell) had not then the views of Lord Cottenham, but he had since understood from that noble and learned Lord, that so far from having given his approbation to those Clauses, he had declined giving any opinion on the subject, considering them as money clauses.

Sir *J. Graham* said, if the noble Lord had intimated to him that he meant to draw the attention of the House to the matter, he would have brought down a letter which had been handed to him by the Solicitor General, and which he (Sir J. Graham) had in his hands when he made the statement. That letter was from Mr. Wainwright, the gentleman who had drawn the Bill, and he stated positively in it, that he had waited on Lord Cottenham, and especially called his attention to the Clauses giving Compensation to the parties, not only during life, but extending to a period after their death, in consideration of the custom of transfer, which had been exercised for a period of 100 years, and that Lord Cottenham made no objection whatever to those Clauses, which were identical with the provisions for abolishing the Six Clerks Office in Ireland, in the year 1836.

Lord *J. Russell*: It was not that he made objection, but that he declined giving an opinion on the subject.

Sir *James Graham*: That was not the representation of Mr. Wainwright.

CHARITABLE TRUSTS—PUBLIC BUSINESS.] Mr. *Craven Berkeley* having alluded to the statements made by the right hon. Gentleman the Secretary of State for the Home Department, before the Easter recess, that it was the intention of the noble Lord, the Lord Chancellor, in the other House, to introduce a Bill for the Regulation of Charitable Trusts, and not having seen any thing of such a Bill being brought forward, inquired whether the Government meant to introduce a Bill upon Charitable Trusts, and if so, when it would be introduced?

Sir *James Graham* said, that it was the intention of the Lord Chancellor to introduce a Bill on the subject.

Mr. *Borthwick* would beg to call the attention of the right hon. Baronet the Home Secretary to the position in which some important Measures stood in the House. There now stood on the Orders, the County Courts Bill, the Ecclesiastical Courts Bill, the Dissenters' Chapels Bill, and many other important Bills; but the Poor Law Amendment Bill, most important of all, which had been brought in before so many others, where was it? The right hon. Baronet had promised to bring it on, but nothing more would, he supposed, be heard of it till after the holidays. He wanted to know when it would come on? We were now at an advanced period of the Session, with an immense mass of important business to be got through, and yet a deal of time was wasted by the abuse which had crept in of "counting out" the House when it became thin. This was a gross abuse of public time. If he were so disposed, he might have counted out the House last night, while the Premier was speaking. So, during the protracted discussion relating to Ireland, for the first three hours on each of the six nights, the House might at any time have been counted out. Some remedy for this practice might be found in making Thursday an "Order Day," leaving Tuesdays for Motions. But again, he repeated, when was the Poor Law Amendment Bill to be forwarded?

Sir *James Graham* was afraid he could not set the hon. Member's mind at rest on the point of the House being counted out on "Motion" nights, for that had often occurred, but he was not aware that it was counted out on any "Order" night. With respect to making Thursday an "Order" day, the hon. Member must have seen from the Notices, that the right hon. Baronet at the head of the Government had given notice of a Motion to that effect, from the 3rd of June. With respect to the progress of the Poor Law Amendment Bill, he could not say more than that, it

would be brought on very soon after the Whitsun holydays—the particular day he would state to the hon. Member some time inthe course of next week. When it was brought in it would have precedence of the other Orders. Next to that would come the Ecclesiastical Courts Bill, which he was very anxious to forward. He had hoped that he should have been able to make some progress with the County Courts Bill before the recess, but a difficulty had arisen with respect to it which he could not foresee. A very grave and important question was now pending in the other House. A Bill had been introduced there abolishing Imprisonment for Debt in execution, and the principle on which it rested had been already affirmed, the Bill having been read a second time. Now, it appeared to him to be most important, that the sense of the Commons should be taken on the principle of that Measure before they went further with the County Courts Bill, which proceeded on the opposite principle, and proposed not only to continue Imprisonment for Debt in execution, but even to extend its operation to debts of small amount. On these grounds he would propose to postpone the County Courts Bill for the other Measure, which was waiting, and would be in Committee in the other House on Thursday next.

Subject ended.

MONTE VIDEO AND BUENOS AYRES.] Mr. *Ewart* said, he did not know whether it were in the power of the right hon. Baronet, the First Lord of the Treasury, to answer the question of which he had given him notice, with respect to the war between Buenos Ayres and Monte Video. A vast amount of British property was at stake; and on behalf of those deeply interested in that property, he put his question. He believed, he was justified in saying, that the right hon. Baronet had stated, some time since, that it was desirable that some interposition should take place on the part of the French, the British, and perhaps the Brazilian Governments, for the purpose of putting an end to the war. Since that time, the fears of British subjects had increased by the continuance of the war. It had been said by M. Vidal, the temporary President of the Republic of Monte Video, that the representative of the British Government had in 1843 said, that the French and British Governments would interfere; and it had been stated by General Rosas, that he could not be answerable for the safety of the property of British subjects, or of the persons of the English. In a battle which had recently taken place, the Monte Videans, contrary to general expectation, had been victorious, but this victory had only tended to prolong the war, not to bring it to an end. He wished to ask if the right hon. Baronet could hold out any hopes of intervention on the part of the British and French Governments, for the purpose of bringing the war, now raging between Monte Video and Buenos Ayres, to a termination, and opening the commerce of the River Plate?

Sir *Robert Peel* regretted to say, the war between Monte Video and Buenos Ayres still continued. It had been attended by various fortunes, and by indecisive advantages to each side, and, looking at the hostility of the two leaders, he saw no hope of the speedy termination of a war which had been marked with the most horrible atrocities on each side, demoralising the whole country. At the same time, he was not prepared to say that there would be on the part of this country a forcible interference. In every case in which any violation of the rights of neutral powers or of the law of nations had taken place, with regard to British subjects, it was the determination of the Government to give protection to its subjects, even by recourse to force, if necessary; but so long as there was no violation of the law of nations, he was not prepared to interfere by force. He was sure that the House would see the importance of a proper course in the case. In the first place, if they had interfered, they would only obtain a temporary security for the continuance of peace; they could not hope that it would be permanent, unless they continued to keep a force in the country. They must, perhaps, even take upon themselves the responsibility of the internal Government of the two countries, and if the force were removed, they could have no guarantee of continued protection. He believed that the French Government took nearly the same view of intervention by force. All the mediation and good offices which could be given would be afforded. So complete was the concord between France and this country, to give protection by every mode consistently with the law and the usages of nations, that upon two separate occasions, offers of friendly inter-

vention had been made, and had been by one of the Powers declined. The House would see also the evil of neutral Powers of greater force than either contending Power, beginning a hostile interference to which they had no right. If England were thus to interfere in this case she would set an example to other Powers, which might be most inconvenient to this country. Other powerful states might undertake, founding their conduct on our example, to interfere in the internal affairs of other states, and this country ought to pause before it adopted such a course. He was not able, therefore, to promise anything else but continued attention, but when the rights of neutral nations were not interfered with, the parties could not be compelled by force.

Mr. *M. Gibson* admitted the justice of the right hon. Baronet's remarks as to the impropriety of direct interference between the belligerent parties, but he wished to ask if the Government had taken care to provide every practical means to secure the safety of the persons and property of British subjects in Monte Video and Buenos Ayres?

Sir *R. Peel* said, that there was a British naval force in the river Plate, and which would afford all practical protection to British subjects and property.

On the question that the Speaker leave the Chair, on going into Committee on the Customs Duties Bill,

STATE OF THE COOPERS.] Mr. *Labouchere* said he felt it his duty to take this opportunity of calling the attention of the House and the Government to one branch of the trade of the country, at which, if prompt measures were not taken by the Government to support it, a blow would be struck by which it would be utterly and completely destroyed—he meant the Cooperage Trade. He had to express his regret that in the Custom Duties Bill no alteration had taken place on the duty on staves. It was a question of much importance, and if the Government did not intimate an intention of taking it up themselves, it would be the duty of some other Member to bring forward the subject. He would not go into the details, but merely state the principal points of the subject. In consequence of the manner in which the Timber Duties had been arranged in 1842, by which a heavy duty had been left on staves imported into this country, which were the raw materials for the coopers' trade, while the duty on staves imported from North America into our Colonies was entirely abrogated, the cooperage trade at home was nearly destroyed. Even manufactured casks from the United States were introduced at a duty of 7½ *ad valorem* into the Colonies, in consequence of which the export of casks into the Colonies from Great Britain was put an end to. And for the future the British cooper would be deprived of the possibility of competing with his American rival in the supply of the West Indian Colonies. If they were allowed to go where they chose for a supply of the raw material, he would not complain; but he did complain when our workmen, by the tax upon the raw material, were placed in a disadvantageous position with their foreign competitors. These poor men said the free-trade principle was erroneous; but he said to them that it was not the fault of the principles of free-trade, but the evil arose from those principles not being fairly carried out with regard to our colonial trade. But that was not all; he understood that not only our colonial trade of cooperage in this country was destroyed, but all our exports of cooperage to foreign countries was likewise destroyed, and that must be obvious if they looked at the fact of our coopers having to pay a duty of from 30 to 70 per cent. on the import of Baltic staves. While they paid such a duty as that, not only were they prevented from exporting casks to any foreign country, but he believed that foreigners were able to undersell the home manufacturer in the home market. While they made our coopers pay 60 to 70 per cent. *ad valorem* for these staves, which were necessary to their trade, foreign casks were imported into this country at a duty of 20 per cent. *ad valorem*, and nothing but absolute ruin was impending over the trade. In London about 1,500 journeymen coopers were a short time ago employed, but now at this moment only 500 were employed. As he had said before, he was unwilling to go into details, although he thought it his duty to make this statement of leading facts; but he earnestly entreated the Government to take the subject into consideration. There was no question of revenue involved in it, for the whole duty on foreign staves did not amount to 20,000*l.* a year. He would ask the House and the Government whether it was right to allow these persons to be crushed under the weight of the present injudicious arrangement of duties, when they had the

means of giving them fair play at once. He believed that any one who knew anything of the trade would allow that there was not a more decent, respectable, and deserving class of men than the coopers. These poor men had strong claims on the House and the Government for consideration, and there was good reason to be shown why their claims should be attended to. He was the more disposed to hope that the Government would entertain the question, when they were aware of the good effects of the reduction of the duty as it affected furniture. The whole of the export trade had left England on account of the duties which were put on the importation of furniture woods into this country. The right hon. Gentleman reduced the duty on furniture woods to almost a nominal amount. Before that reduction, furniture of foreign manufacture was imported into this country at prices so low, that our own cabinet-makers were undersold, but since the reduction of the duty, furniture had become an export trade with us. This was the effect of giving the raw material at a cheap rate to the skill and industry of the English workmen; and he hoped what had been done for the furniture-makers, would be done for the coopers. He believed it was possible to make these alterations without opening again the great questions of the Timber Duties generally. He had, however, felt it to be his duty, from the representations which had been made to him by this class of workmen, not to allow the present opportunity to go by without bringing the case forward as he had done. He hoped the Government would see that there was sufficient reason for them to give it mature consideration; and he was sure the question would be better dealt with by them than by any individual Member of Parliament.

Mr. *Gladstone* said, that the course which the right hon. Gentleman had adopted involved very considerable difficulty in detail. The right hon. Gentleman had put forth this claim without examination and qualification. He had made the statements which he had brought before the House, without seeming to have considered it possible that the subject had been under inquiry by others. The right hon. Gentleman assumed it as a matter of fact, that with reference to this particular class of persons, the Government had made an unjust application of the principles of free-trade. On what ground did he make that statement? The trade of the coopers, so far as the law was concerned, was in a much better condition now, than it was at the time the right hon. Gentleman was President of the Board of Trade. He would grant, that they laboured under great disadvantages; he would grant, that the whole trade in wood was under great disadvantages in this country; he would grant, that the reduction of timber duties, for which his right hon. Friend had been so much censured, as having made an improvident sacrifice of Revenue—he would grant that all that had been insufficient to place the workers in wood of this country in a condition to enable them to stand on an equality with the rest of the world—but he must state, that the coopers had received considerable relief from the Legislature. He did not, however, deny, that their present condition might not come at a future period very properly under the consideration of the House, but he was not able at that moment to go through the statement which the right hon. Gentleman had made. He stated, that there was a charge of 60 or 70 per cent. on the importation of foreign staves. [Mr. *Labouchere:* I said from 30 to 70 per cent.] But the right hon. Gentleman afterwards got it up to 60 or 70 in a later part of his speech. He believed at present there was a very short supply of these staves from the Baltic, and considerable inconvenience arose from the high price which had been occasioned by it. He believed, that there never was a time when the prices of the cooperage trade were lower than they were at present; but he thought the right hon. Gentleman would find—although he (Mr. Gladstone) did not deny that these parties were labouring under great disadvantages—yet the right hon. Gentleman would find, that they were better situated at this moment for competing with the Americans in our Colonial Trade, than they were four or five years ago. He thought it would be more convenient—especially as the right hon. Gentleman had moved for information on the subject of this trade—to wait until that information was laid upon the Table. There would be no reason why the House should not act on that information, if it presented sufficient ground to warrant an alteration in the duties on staves. He did not think the removal of the duty on staves would be any very serious relief, as far as

the home-trade was concerned; the real anxiety of these parties was as to the export-trade, which might be relieved by the repeal of the duty, and by a system of substitution of working in bond. A system of substitution was now under the consideration of the Government. There was this difficulty in dealing with the question of staves, that other workers in wood laboured under disadvantages nearly approaching those of the coopers; and the Government could not well separate the case of the coopers from the other workers in wood without much difficulty and some injustice. The better mode of proceeding in the case, if it could be so arranged, would be by some method of substitution, allowing the parties to work for the purpose of carrying on their export-trade. This question was under the consideration of the Government; but it was a very difficult one to deal with. In conclusion, he would again repel altogether the charge that this branch of trade had been placed in its present position by an unequal application of the principles of free-trade; and he ventured to repeat that its position was better, so far as the law was concerned, than it was three or four years ago.

Lord *J. Russell* did not think the Government had followed the proper course on this subject. A number of persons had presented Petitions to the House, complaining of the alterations which had been made in the Customs' Duties, especially by the Tariff of 1842, and who were in a state of great suffering and distress. As the question of the Customs' Duties was brought forward, his right hon. Friend asked, would the Government leave out of consideration the duties imposed on coopers' staves? The right hon. Gentlemen opposite might contend, and truly enough, that there had been exaggeration in the statements of the coopers; but it could not be denied, that according to the Bill he had introduced into Parliament, by taking off the duties imposed on staves admitted into the West Indian Colonies, he must have imposed a great disadvantage on our own workmen. He (Lord J. Russell) should call this an application of the principles, not of free-trade, but of monopoly and protection; for instead of these principles being applied to the benefit of the native workman against the foreigner, they were applied for the benefit of the foreigner against the native workman. These principles of monopoly were very absurd, and when so applied to the injury of the native workmen, he did not see that there was any more sense or consistency in them. The right hon. Gentleman had referred to the duties on timber generally. He (Lord J. Russell), hoped, that there would be a reconsideration of that question, because he thought, that the objections which had been taken to the plan of the right hon. Gentleman did not apply so much to the amount of the reduction of the Revenue, as that it was thought to be a very imprudent thing to sacrifice that amount of Revenue without a corresponding benefit, and the introduction of so large an amount of foreign timber was objected to. He admitted, that the present Government had made a great alteration in these duties, but he thought they might have made a further alteration in the differential duties still imposed on timber, and by this means have benefited the consumer. In the course of his financial statements the right hon. Gentleman the Chancellor of the Exchequer had laid very great stress on the proposed reduction in the duty levied on foreign coffee, and that it was proposed, to prevent deterioration, to impose an additional duty on foreign chicory. The right hon. Gentleman seemed to consider that imposition of duty of so much importance, that perhaps he would reserve that subject for separate consideration, and let them have a chicory-bill.

Mr. *Hume* thought this question was one of very great importance, and was very glad that the right hon. Gentleman had brought it forward. He had himself moved for a Return of the quantity of staves imported, and the duties received on them, in order to show the gradual decrease which had taken place in their manufacture, owing to the existing laws regarding the raw material. In London, Glasgow, Liverpool, and Bristol, the whole of the coopers'-trade was going to rack and ruin. To remedy this, he thought they ought to proceed further in the reduction of the timber duties. He had given notice last night that if nothing were done in Committee on this subject, he should bring it before the House. He had the day before moved for documents which had been laid before the Treasury, in order to have the facts before the House, and with regard to the contradictions of the right hon. Gentleman (Mr. Gladstone), he

must put him right, and the House right. He would first call the attention of the House, and of the right hon. Baronet opposite, to one of the three Petitions on this subject, which he held in his hand, presented from Glasgow, and other places. The Petitioners said, they had appealed to Her Majesty's Government without having received any relief, both last year and this. They told the House, that by the alteration which had taken place, the duty on Canadian staves, intended to be nominal, averaged from 3 to 5 per cent. on the cost of the raw material. The duty on staves imported from the Baltic, was 33 per cent., from the United States, 66 per cent. on the cost price of the raw material, whilst the duty on coopers'-work imported into Great Britain, was 25 per cent., and the same might be imported into the British Colonies free. Was it possible to have a case which more called for the intervention of Parliament? and this was a proper time for the inquiry. We were losing many of our important branches of trade; we had lost the whole of our whale-fishery, and the cooperage for the South Sea fishery, and for the trade of Ceylon. There was not now a rough stave sent out to bring out the produce of Ceylon, or from the West Indies. If this question were properly adjusted, there would not be a stave go to those places which would not be made or manufactured in this country. Ships left this country nearly empty, and got their casks made up for a mere nothing abroad. He saw the Americans heading us every day in the South Sea whale fishery. Last year 496 vessels had gone out from America in this trade; formerly we sent out twice as many vessels to this trade as they; now our number of vessels employed in this trade was reduced to one-third of theirs. It was our interference by duties which had caused this ruin to one branch of trade after another. The right hon. Gentleman opposite (Sir R. Peel) had done much good by his reduction of duties. All that he regretted was, that he had not carried on his reductions in the Timber Duties to that extent which would have secured to us the many branches of our trade which we were losing. The principle of the right hon. Baronet's Tariff ought to have been to have every article of raw material admitted duty free. Nothing stood in the way of the employment of our artisans but our own laws, and the interruptions which we gave to the employment of capital. He thought that this Customs' Duties Bill ought not to go through the House. He thought it was due to our ship-owners and commercial concerns, that every piece of timber employed in ship-building should be imported duty free; there was no other mode in which they could meet the competition of foreigners. He was prepared to prove, that if English shipwrights were placed in the same situation as foreigners, and had the raw material free, he did not fear competition even with higher wages. He believed, however, that wages in England were as low as in any part of the world, and in many branches of trade much lower. Why was it, then, that we could not maintain the superiority which we formerly had in our ships. It was merely because we passed laws by which the value of a ship was doubled in price to the English merchant as compared with the foreigner. The hon. Member for Whitby had been a ship-owner all his life, and he (Mr. Hume) would ask him whether the class of ships now built abroad were not as much superior to what they were ten years ago, as it was possible for one ship to be superior to another? He thought, therefore, there was no question more important for Her Majesty's Government to take up than this.

Mr. *Aaron Chapman* said, the hon. Member had talked of the advantage of the introduction of timber for ship-building duty free; but, since the day when Noah built his ark, ships had never been so cheap as they were now.

Mr. *Hutt* said, the right hon. Gentleman opposite had not apprehended the subject brought forward by his right hon. Friend (Mr. Labouchere), but had endeavoured to make a party question of it. It signified very little to the poor coopers, whether the duty on staves was placed on more favourable circumstances to them by the late or the present Government. All they complained of was, that they found themselves in a position in which it was impossible that they could get a livelihood; and it was under those circumstances they approached the House, hoping their situation would be taken into consideration. There was no doubt, that they were suffering greatly from the duty imposed on foreign staves; whereas the coopers of the United States were enabled to import the raw material into our West

India colonies free of any duty. If any species of property more than another deserved protection, he thought it was the only patrimony of the workmen; namely, their labour. Whether relief were given by means of a total repeal of the duty, as he should advise, or whether according to the plan of substitution, which had been suggested and favourably received by the right hon. Gentleman opposite, he trusted the Session would not close without some relief being afforded. He was sure, if the Government wished to relieve industry, there was no branch thereof to which relief could be better applied than that of the coopers; but he trusted the day was not far distant when a better system of Timber Duties would be brought before the House.

Viscount *Sandon* believed, that the coopers universally all over the country were in a state of very great distress; they were reduced to sweep the streets; and this, he believed, was in a great degree owing to circumstances in the legislation of the country, and to which he hoped the Government would apply a remedy. He believed the free importation into the West India Islands, of staves, whilst they were burthened here with a duty—notwithstanding the workmen here had lower wages—rendered it impossible for the coopers of this country to compete against the heavy difference of duty which they had to pay upon the raw material. They had in all cases to pay a duty of 30 per cent., and in many cases a duty of 60 or 70 per cent.; and it was impossible that they could compete in an article which had to be brought from America and manufactured here, and then sent out to our Colonies, when, over and above all this expense, they had to pay so heavy a duty. He hoped his right hon. Friend would see the necessity of considering the question, which could not affect the Revenue, for the whole amount of duty was only 24,000*l.* The advantage which had arisen from the reduction of the duty on furniture wood he knew to be very great. A little while ago mahogany was bought at Liverpool by Germans, sent to Germany to be manufactured, and then brought back to this country and sold at less than it could be made for here. The reduction of the duty, however, had placed the cabinet-maker in a very different situation; and if the Government would pursue the same policy with reference to staves, they would restore and augment a trade of great importance. Not only were wages lower in this country than in the United States, but the English merchant and foreign merchant were willing to give more for the work of the English cooper.

Sir *John Hanmer* could bear testimony to the distressed state of the coopers of Hull, and the great importance to get rid of the duty on foreign staves.

Mr. *Thornely* could mention a singular circumstance as a striking illustration of the effect of the duty on staves. A shop had recently been opened in the Strand, for the sale of lighter articles of furniture manufactured in America, out of staves imported into this country at a duty of 20 per cent., whereas the duty on the raw material, or staves, was 60 per cent.

Viscount *Howick* observed, that this had been a very important conversation, and had elicited two important facts, both from his hon. Friend behind him, and the noble Lord, the Member for Liverpool. They acknowledged the principles of free-trade to be sound, and yet shrunk from carrying them into execution. It was because they felt the pressure of interests, grown up under their former prohibitive system, that they only proceeded to deal with a part of it. He hoped the House would not listen to the proposition to tinker with this subject, by allowing the coopers to carry on their work in bond. Let them get rid of the duties on the raw material. Although he objected to the alteration made by the right hon. Baronet in the Timber Duties, he did so on the ground that they were making a very large reduction of revenue, without giving to the consumer a corresponding benefit. If the Measure had been extended further, they would have given some advantage to the ship-builder, and the house-builder, and other consumers of timber. If this had been the case, he should not have objected to the reduction, but he did object to a great alteration in duties, which made further alterations, reductions, and improvements, most difficult, by keeping up an enormous differential duty. He hoped, that the evils of this system of differential duty would induce the House, at no distant day, to apply a simple principle to the Duty on Timber.

The *Chancellor of the Exchequer* was not aware that this subject was to come under the attention of the House. When, however, the noble Lord opposite said,

that the reduction of the Timber Duties had been productive because there had been no reduction in the price of the raw material, it should be mentioned that the reduction in the duties had been very considerable—nearly to the extent of 30*s*. With respect to the observation of the hon. Member for Wolverhampton, as to the heavy duty on American staves, he would only observe, that the duty on Colonial staves was very low, namely, about 5 per cent., and surely they could compete with the American staves.

Mr. *Ewart* observed, that the duty on Colonial staves was small, but they were a very inferior commodity.

Mr. *F. T. Baring* wished to learn from the right hon. Gentleman, what had been the result of the inquiry by Commission respecting the Board of Customs. He wished to know whether a Report had been made, and whether it would be laid before the House? He thought, that it was a matter of great consequence, considering the importance of the Department in question, that every imputation should be got rid of.

The *Chancellor of the Exchequer* replied, that the inquiry into the conduct of the officers of the Board of Customs, had been referred to a noble Friend of his, and other Gentlemen had been appointed Commissioners, and they had presented a Report, which had only been in the possession of the Treasury for a short time. He had only recently read the Report, and he should lay it on the Table, with the evidence, previous to bringing the whole subject under the consideration of the House. As regarded the character and conduct of the Commissioners of Customs, the Report was perfectly satisfactory.

CUSTOMS' DUTIES—COFFEE, COCOA, PLUMS, &C.] House in Committee. Clauses of the Bill, to the 12th, agreed to.

On Clause 12, being put,

Mr. *F. T. Baring* said, that he would take the present opportunity of calling the attention of the Government to a part of this subject which, he thought, required amendment. By the general Laws of the Customs, no prosecution could be instituted, either under the Laws of Customs or Excise, except with the assent of the Attorney General, or with the approbation of the Commissioners of the Customs. That was, no doubt, a good regulation, for the Laws of the Customs were severe, and it was only proper that they should be, to a certain extent, in the hands of some responsible party. They could rely on the Commissioners of the Customs in this respect, but if they gave to a third party a power of carrying the law into effect, they would only be giving to him the means of pestering every honest man. They had also a power of examining on oath, and any party swearing falsely before them was guilty of perjury and liable to its penalties. A case had lately occurred, from which it appeared that a person who was accused of perjury before the surveyors could not be proceeded against unless the assent of the Commissioners was obtained to the indictment. The result of this was, that if a witness should swear falsely in favour of the Revenue Department, he could not be prosecuted by the other party; but if he should swear wrongfully, and against the Revenue, then the Customs might prosecute him, without scruple. He did not believe such a restriction was ever contemplated when the law was framed, and he thought it ought to be so far altered, as that each party might have the power to prosecute a witness for perjury.

The *Chancellor of the Exchequer* said, that in the case alluded to by the right hon. Gentleman, a party had given evidence before the Surveyor General, with respect to a variety of forgeries, and also with respect to a conversation which had taken place between himself and other parties, which conversation indicated that the whole had been guilty of fraud. At the same time, the Commissioners of Customs, having detected other parties in the commission of fraud, thought it likely that the individual who had given evidence before the Surveyor would be able to give evidence against these parties at their trial, when proceedings were instituted against the party for having given incorrect evidence as to the conversation between the other parties. Two of these persons were found guilty of the offence charged against them—one by his own confession, and the other from evidence of conversations which he had held, but which evidence was independent of that of the party in question. Reflections, however, were attempted to be cast on the party giving evidence; and the Government, believing that the party accused of perjury had given evidence worthy of

credit, had thought it their duty to direct that he should be defended by the Law Officers of the Crown. A question was then raised as to the construction of the Clause referred to by the right hon. Gentleman, and it was deemed doubtful whether, as the law stood, proceedings could be instituted against this person for perjury, unless with the consent of the Commissioners of Customs, or the Law Officers of the Crown. The late Attorney General and other persons were consulted on behalf of the Crown, and it appeared to them that the point was one which ought not to be waived. The Court of Queen's Bench was then called upon to quash the proceedings, but the Court did not accede to the proposal; and the late Attorney General, having intimated to the other party that he could not give his consent unless they agreed to argue the point on demurrer, the question still remained undecided.

Mr. *Ricardo* said, that with reference to a Petition, which had that day been presented, by the hon. Member for London, from certain merchants in that city, connected with the Ceylon coffee-trade, he trusted, that the Government would give some further explanation upon the subject of the coffee regulations. Merchants, with a large stock of our own coffee in their warehouses, could never have anticipated, after the denunciations made by the Government, against all sugar grown by the slave-labour of Brazil, that they would have admitted at a reduced duty, coffee, alike the produce of slave-labour. This was an inconsistency that could not be reasonably expected, and which involved very great inconvenience and injury to a large class of traders.

The *Chancellor of the Exchequer* said, he would speak upon the point to which the hon. Member had referred, after the hon. Member for Dumfries had addressed the Committee. He moved that the duty on coffee, of and from foreign countries, be 6*d.* per lb.,

Mr. *Ewart* intended to propose that the differential duty on foreign coffee should be reduced from 6*d.* to 4*d.*, for, he was of opinion that the duty on foreign and colonial coffee ought to be equalised. He admitted that by such a Motion he aimed a blow at differential duties. He was the enemy of such duties, for they were unsound in principle, and he was satisfied they would not long continue. His views with regard to those differential duties were supported by the very best authorities, and if they looked to the last published statement of Mr. Porter of the Board of Trade, on that subject, they would see that he concurred in those views, for he said, in that statement, that it did not require any peculiar spirit of prophecy to see, that with respect to the article of coffee, there would be ere long the only sound system of legislation on the subject, by the establishment of an uniform duty, which would advance the interests of the great body of the consumers. He respected that opinion, and he believed it to be sound, and that it was a principle to which this House and the country would eventually come. He knew it would be said, that the effect of his proposition, if carried, would be to diminish the revenue: but he did not believe that the Chancellor of the Exchequer would attempt to show, that there would, in such a reduction of the differential duties, be any risk of a serious reduction of the revenue. All previous experience showed, that with respect to coffee particularly, the reduction of duties had always had the effect of increasing the revenue, by increasing to a vast extent the consumption of coffee. Mr. Pitt was the first to make the experiment of reducing the duty on coffee; and the effect of the first reduction was to increase the consumption of coffee threefold. Indeed, he (Mr. Ewart), believed it was proved that the greater the reduction of duty on coffee, the greater the amount of duty obtained from that article of consumption. In 1829, there was a Return laid before the House of the various reductions in the duty on coffee since 1789, which would show the effect on the revenue of that reduction. In 1807, the duty was 1*s.* 7*d.* per lb., and in 1808, that was reduced to 7*d.* per lb., the result of the reduction was, an enormous increase in the quantity of coffee consumed; before the reduction, the quantity consumed annually was 1,100,000 lbs., and that was shortly afterwards increased to 9,000,000lbs. annually. Before the reduction of duty, the revenue produced was 150,000*l.* whilst it immediately after the reduction, namely, in 1809, increased to 246,000*l.* Now, in this case it was evident that in addition to the great advantage which was conferred on the public, there was a corresponding increase in the revenue, and it would be found by an investigation, that as regarded the article of

coffee in this country, the reduction of duty always greatly increased the consumption, and consequently increased the amounnt of revenue thus derived. In 1801, the duty was so high, that the use of coffee was almost unknown, for it appeared that the consumption was only one ounce to every individual, whilst now the consumption was about twenty ounces to every individual—having increased to seventeen ounces in 1841. As the revenue had increased with the reduction of the duty and the increased power of consumption, and as that was the invariable result of such a reduction, he hoped the Chancellor of the Exchequer would abolish this discriminating duty, which was not only oppressive to the consumer, but had not the recommendation of increasing the revenue, nor was it calculated to eventually benefit the Colonial grower of coffee; for whilst it created a temporary prosperity for the Colonial coffee-growers, it rested on a false basis which must eventually give way under them. The Americans had adopted a better system than we had with respect to tea, and coffee, and sugar, but particularly with regard to tea and coffee. They had no duty whatsoever upon coffee. We could not, perhaps, afford to go so far as they did in the way of reduction of duties, but it would be extremely advantageous to avail ourselves of the lesson which they had given in the wise and enlightened course they had adopted. By this reduction of duties on coffee, we should evince to Brazil and the other coffee-growing countries our desire to allow a fair interchange between them and this country and thus confer a corresponding advantageon our manufacturers. It was, therefore, a question of great importance, not only as regarded the advantage of the consumers of coffee in this country, but it was of the greatest importance with regard to the manufacturers of this country, many of whose customers belonged to the coffee-growing countries. He therefore thought they had a right to ask the Chancellor of the Exchequer to agree to a considerable reduction of duty on this article. It should be recollected, that by maintaining those duties they maintained a burthen upon the consumer, which was infinitely greater in comparison than the gain to the revenue, by keeping up the Colonial article to meet the foreign. There was another view of the case, which was of very great importance, and deserving of great attention. By reducing the price of coffee in such a manner as to place it more within the reach of all persons than at present, they would give the population of this country a useful, and, if he might use the expression, a most sober stimulant, and the result of that would necessarily be an improvement in the habits of the people. It was acknowledged, that a great improvement in this respect had taken place; and it was stated before a Committee on Import Duties, that the number of establishments for the sale of coffee had enormously increased since 1811. In 1811 there was only one house solely for the sale of coffee in London, whilst such had been the increase in the consumption of that article, and the change in that respect in the habits of the people, that there are now nearly 2,000 coffee-houses in London. That was, it must be admitted, a very great change, and it evinced a vast improvement, not only as regarded the habits of temperance alone; for the increase in the number of those houses argued an advance in the intellectual condition of the people. He was altogether opposed to those differential duties, and he thought, that in particular with respect to the article of coffee, they ought to put an end to a system which was unsound in principle, bad in effect, and which would not stand the test of public opinion or of close investigation. He trusted the House would reflect upon the wisdom of the course which the Americans had adopted with respect to coffee, and that, seeing all the advantages likely to arise from a reduction of the duty on foreign coffee, they would agree to his proposition. It was with a view to securing those advantages that he proposed the duty should be reduced from 6*d.* to 4*d.* on coffee. There was another article which entered largely into the consumption of the people of this country, namely, cocoa, and it was one which had greatly increased in consumption since the reduction of duty; on that article it was his intention to propose that differential duty should be reduced. In 1831 its consumption was only 500,000lbs.; in 1831 the duty was reduced from 6*d.* to 2*d.*, and the increase was such that in 1842, it was 2,000,000lbs.; in 1842 there was a further reduction of the duty, that on foreign cocoa being reduced to 4*d.*, and that on colonial cocoa to 1*d.* per pound., and the

consequence was, that in 1843 the consumption of cocoa was 2,847,000 lbs.; so that the reduction of duty on this, as well as on coffee, increased the consumption very greatly. He proposed, that in order to equalise the duty on foreign and colonial coffee, the duty should be 4*d.* per lb. upon all coffee.

The *Chancellor of the Exchequer* thought Government had some reason to complain of the tone of the hon. Gentleman's observations. His right hon. Friend (Mr. Gladstone) had submitted a proposition to reduce the differential duty that at present existed between foreign and colonial coffee and cocoa, whereas the speech of the hon. Member seemed really as if it were directed against some one proposing a new or increased differential duty. But after the opinions expressed by the hon. Member, Government were justly entitled rather to praise for going in the direction which the hon. Member thought the right one, than for anything in the shape of censure. The hon. Member seemed at variance with the hon. Member for Stoke-on-Trent (Mr. Ricardo), near him, the burthen of whose speech was to the effect, that Government were inflicting an injury on the colonial Coffee of Ceylon, and that the merchant and grower of Ceylon would be injured by the reduction proposed to be made in the duty on the foreign article. If the hon. Member's complaint pointed at a grievance, it was a grievance attributable to the reduction of the differential duty on which it was affirmed the Ceylon producer had a fair right to calculate. If, therefore, the hon. Member for Stoke-on-Trent was right, if he maintained that redress should be given, that redress he should seek not by voting with the hon. Member for Dumfries, but by proposing that the duty on foreign coffee should not undergo a reduction. Perhaps, however, these two hon. Gentlemen, differing from Government on opposite points, might combine together in resisting the measure proposed. The speech of the hon. Member for Stoke-on-Trent, confirmed him in the view which he (the Chancellor of the Exchequer) had already taken. The hon. Member said, "I want no drawback." [Mr. *Ricardo*: I did not present the Petition you allude to.] But the hon. Member read it, and commented on the hardships which the parties from whom it proceeded were undergoing. The hon. Member declined the plan of a drawback, and therefore left no remedy, except, that to be derived from not altering the discriminating duty that at present existed between Ceylon coffee and coffee the produce of foreign countries." The whole question of differential duties was not at present brought under the consideration of the House. That question had been argued at length two years ago, when the new Tariff was before Parliament. The Tariff, as then settled, did provide for differential duties in favour of our Colonies as against foreigners. And for the reason that his right hon. Friend would not interfere with the 5 per cent. duty while the general principle remained unbroken, he objected to the abolition of the differential duty on two or three articles, unless Parliament was prepared to go the whole length of general abolition on these duties. The hon. Member for Dumfries was prepared to go all that length. But his view was different. He considered, that the Colonies were as much entitled to protection against foreigners as were our fellow-subjects in these Kingdoms to protection against articles of foreign produce, the free introduction of which might operate to their prejudice. Would any man affirm, that if we adopted a system of revenue which subjected Colonial produce to heavy taxation, we were not bound to protect their produce from any ruinous consequences of that taxation by making some difference in the duty between foreign commodities and those commodities of Colonial produce, which were it not for the taxation imposed on them, could be produced as cheaply as the foreigner could produce them? The Colonies, though removed to some distance from the seat of Empire, were surely perfectly entitled to consideration by the Legislature—perhaps, if possible, to consideration more tender and favourable than that which Parliament would regard any one place at home; for the Colonies had no particular representatives by whom to communicate, to make known their interests, and urge their claims on Parliament. But the hon. Member for Dumfries, in taking up the question of duties, had advised them to take a lesson in this respect from America, to look at the example of the United States with respect to protective duties. [Mr. *Ewart*: I did not say that.] If the hon. Gentleman, when he eulogised the wisdom of America, and called on the House to imitate her

example with respect to future duties. [Mr. *Ewart*: No, no.] He could understand well why the hon. Member, with the opinions he avowed, should object to the diminution of differential du y proposed by Government. But if the hon. Gentleman would look through the Tariff of that wise counry, which regulated all Tariffs grounded on the view of protection to the produce of its citizens—if the hon. Member looked over the Tariff of that wise country, he would find that there was no Tariff more stringently protective—on some articles to an extravagant—on all to a great degree, affording protection to American produce and manufactures—that there is no Tariff containing protective provisions more jealously stringent than that which the hon. Member recommended to their consideration as the one most—[Mr. *Ewart*: I never said a word about imitating the American Tariff. I merely said that in that single respect, which was specified, America was deserving of imitation. On Tea and Coffee, the articles in question, she has reduced the duty.] And for the best of all reasons. Because she grows neither coffee nor tea, and has no producing interest in these articles to protect. But in every article which she grew or produced within her territories, the country which the hon. Gentleman had pointed out as the paragon of wisdom on the subject of protecting duties, imposed duties almost unparalleled in magnitude. Was it not notorious that neither America, nor any dependency of hers, produced coffee or tea? So that to think of comparing her course upon these two articles with that of a country in whose dominions they were produced, had really, he must say, very little reference to the subject immediately before the House. The question they had to consider was, whether the differential duty on coffee now proposed by Government was in any degree extravagant, or more than was necessary to give our Colonial producers that fair advantage over foreigners to which, as subjects of the Empire, they had a just claim. The hon. Member (Mr. Ricardo) complained that they made the proposed resolution in the existing protecting duty without giving the least notice. Now the hon. Member, whom he did not suspect of intentional misrepresentation, probably made that statement on the faith of the Petition, which the hon. Member had held in his hand, or on a statement of parties who had not access to the means of information as to what took place in that House. The hon. Member could not have recollected what had taken place on former occasions, or he would not have given his sanction to such a statement as this. But the hon. Member ought surely to be aware that in the year 1841, when the Tariff was under consideration, the extent of protection to Colonial coffee was an especial subject of discussion. The noble Lord, the Member for Sunderland, made a proposition for the reduction of duties, which, however, did not go to the extent of reduction now proposed, and, therefore, as it fell short of the improvement at present introduced by Government on this particular article, afforded the hon. Gentleman another ground for complimenting him (the Chancellor of the Exchequer) on the superiority of his knowledge of political economy to that of the noble Lord. It was plainly stated in the course of the debate in 1841, that the amount of differential duty on coffee was not that which, in the opinion of the Government, the Colonies were entitled to receive as a protection against the foreigner, and that the amount and extent of the existing differential duty were only to be defended on the ground, that at the moment in question negotiations were pending with Brazil, and the question of coffee duties might form an element in these negotiations. The House would also remember, that when he announced, some evenings since his intention to propose these reductions, he stated distinctly that the negotiations with Brazil having terminated, the ground of the defence made by Government for maintaining that large differential duty was removed, and that there was no longer any reason for continuing a duty which afforded more than sufficient for the purpose of fair protection. The hon. Member for Dumfries had adverted to the advantages that in the hon. Member's opinion would accrue from a still greater reduction, and had rejected the arguments which, in all questions of reducing duty, were derived from the great increase of revenue that followed upon the reduction of the duty from 1*s.* 7*d.* to 6*d.* And the hon. Member seemed seriously to anticipate that by a further reduction of 1*d.* or 2*d.* in the duty on coffee, the House might expect to obtain an advantage analogous to that which had been experienced on pre-

vious occasions. But he (Mr. Ewart), when he held out the prospect that further reductions would enlarge and increase the revenue, made statements that answered his own argument. In mentioning the enormously increased revenue and consumption that had followed the reduction of 1801, the hon. Gentleman told them, that coffee had been previously scarcely known beyond the higher orders of society, and that it was a luxury even to them, and that the reduction of duty bringing the article within the range of general use, gave rise to the great increase in the revenue. Now, in that last mentioned circumstance they would find the real reason of the augmentation that resulted —not through the means of a reduction in the duty to a certain small amount, but by transferring and extending, from a limited class of consumers to the whole community, an article the consumption of which had been previously extremely limited. Hon. Gentlemen would very much deceive themselves, now that coffee had become an article of general consumption, if they anticipated anything like the results originally obtained, from extending the use of it from the higher to the general, and even the lower grades of the community. But the main point upon which he had risen to address the House was as to the propriety of maintaining any differential duty as a protection to the produce of the Colonies. He would not repeat what he had already said upon that question. He did think, that if any one attended to the great national interests embarked in the Colonies—their strong claims to the consideration and support of this country—the great amount of real benefit we derived from them, so much more than commensurate to any expense we might be put to by differential protecting duties—looking at all these circumstances, no one, he believed, unless prepared altogether to abandon the whole scope and foundation of the system, and the principles by which our Colonial policy had hitherto been guided—by which the produce of the industry of our own provinces was distinguished from that of foreign countries, would be willing to go the length now advocated by the hon. Member for Dumfries. And those who thought that differential duties should be kept within the strict limit of fair Colonial protection, would not object to the proposition to reduce the amount of protection one-half—a proposal whose operation would give substantial protection, and yet have a direct tendency to reduce the price to the consumer.

Mr. *Philip Howard* observed, it should not be lost sight of, that the Colonists had lost, by the Reform Bill, that virtual representation which previously they had possessed, and that now they were not less really than nominally unrepresented. It was important, that they should not then consider themselves treated as aliens. And when it was remembered, that the inevitable and inherent incident of the Colonial state, was to receive most of its ruling authorities from natives of the mother country, it was desirable the Colonists should see, in the extension to them of certain material commercial advantages, some evidences of a friendly and fellow-feeling towards them, and of a disposition to treat them more favourably than foreigners. Otherwise, discontent would be originated, detrimental to our best interests, and more than counterbalancing the comparatively insignificant benefits derived from the reductions desired by those opposed to the differential duties. Nor should the great maxim of England's immortal antagonist, Napoleon, be ever forgotten, that Colonies were the wings on which Empires soared to power.

The Committee divided on the question, that the duty be 4*d.*—Ayes 28; Noes 39: Majority 11.

List of the AYES.

Aldam, W.	Morrison, J.
Bannerman, A.	O'Connell, M.
Barnard, E. G.	Philips, G. R.
Bowring, Dr.	Philips, M.
Bright, J.	Phillpotts, J.
Brotherton, J.	Plumridge, Capt.
Browne, hon. W.	Roebuck, J. A.
Busfeild, W.	Seale, Sir J. H.
Christie, W. D.	Thornely, T.
Gibson, T. M.	Villiers, hon. C.
Granger, T. C.	Wakley, T.
Hawes, B.	Warburton, H.
Humphery, Ald.	
Marsland, H.	TELLERS.
Mitcalfe, H.	Ewart, W.
Mitchell, T. A.	Ricardo, J. W.

List of the NOES.

Antrobus, E.	Bateson, T.
Arbuthnott, hon. H.	Borthwick, P.
Arkwright, G.	Botfield, B.
Baird, W.	Boyd, J.
Baring, rt. hn. F. T.	Cardwell, E.
Baring, T.	Cayley, E. S.

Chapman, A.	Kemble, H.
Chetwode, Sir J.	Knatchbull, rt.hn.SirE
Clayton, R. R.	Langston, J. H.
Clive, E. B.	Lincoln, Earl of
Cripps, W.	Lockhart, W.
Dalrymple, Capt.	McGeachy, F. A.
Damer, hon. Col.	McNeill, D.
Darby, G.	Marsham, Visct.
Denison, E. B.	Maule, rt. hon. F.
Dickinson, F. H.	Miles, W.
Divett, E.	Nicholl, rt. hon. J.
Dundas, hon. J. C.	Oswald, J.
East, J. B.	Palmer, R.
Escott, B.	Peel, rt. hon. Sir R.
Farnham, E. B.	Pigot, rt. hn. D.
Flower, Sir J.	Pusey, P.
Forbes, W.	Ramsay, W. R.
Forman, T. S.	Rushbrooke, Col.
Gaskell, J. Milnes	Sheppard, T.
Gladstone, rt.hn.W.E.	Smith, rt. hn. T. B. C.
Godson, R.	Smollett, A.
Goulburn, rt. hon. H.	Somerset, Lord G.
Graham, rt. hon. Sir J.	Stanley, Lord
Grimsditch, T.	Stewart, P. M.
Halford, Sir H.	Stewart, J.
Harris, hon. Capt.	Sutton, hon. H. M.
Henley, J. W.	Thesiger, F.
Hinde, J. H.	Trench, Sir F. W.
Hope, hon. C.	Vane, Lord H.
Hope, G. W.	Vivian, J. E.
Howard, P. H.	Wellesley, Lord C.
Ingestre, Visct.	Wood, Col. T.
Inglis, Sir R. H.	TELLERS.
Johnstone, H.	Clerk, Sir G.
Jones, Capt.	Pringle, A.

Main question again put.

Mr. *M. Gibson* wished to know, by what process the exact scale of differential duties was ascertained, and he wanted the right hon. Gentleman to give a clear explanation of it. Some explanations had been hinted to him, but he did not believe that they were the real explanations, namely, that the amount of protection to particular interests was measured by the degree of power and influence which those interests had in that House. This was what had been told him, but he was not credulous enough to believe all he was told. He gave the right hon. Gentleman credit for some process of reasoning in arriving at the amount; but he perceived that cocoa, which, no doubt, was a weak interest in that House, had a protection of 1*d.* per pound; coffee, which was stronger, was protected to the amount of 2*d.*; and sugar, which was stronger than either, had a totally different kind of protection. He knew that the right hon. Baronet at the head of the Government would indignantly repudiate the idea of a strong Government giving way to influences of that description in the House of Commons, and he hoped a clear explanation would be given, of the process of reasoning by which the Government arrived at the different amounts of duties. The object was a serious one, and the Government ought to be prepared to give good reasons for the course they pursued, as they were now about to collect a private revenue, as well as a public one. His hon. Friend had chosen the proper time to bring forward his protest, for fear it should be understood that this was to be a final measure, or that there was not much more left to be done. He congratulated the Government on the advances which they had made towards free-trade, but every step was only an instalment. These differential duties must all be abolished; and he hoped that those who were interested in cocoa, coffee, and sugar, would join free-trade and the League against the giant monopoly, Corn.

Mr. *Gladstone* had heard of great curiosities, in the way of calculating machines, but he had never yet heard of any machine which could calculate differential duties. The Government, in apportioning the differential duties, applied the general principles of equity to the different interests which had grown up under particular laws. As to the difference between the 1*d.* duty, and 2*d.* duty, on cocoa and coffee, he wondered it had not occurred to the philosophic mind of the hon. Gentleman, that there was another consideration upon which the difference might be computed, without referring it to the comparative strength of different interests in that House, namely, the proportionate value of the two articles in the market.

Mr. *Bright* said, if the Government would look at how much the Custom House officers took for cocoa, coffee, and sugar, the chances were it would be found that there was more levied, to satisfy the cravings of the stronger interest, and he thought it a very proper proposition, that Custom House officers should collect duties for the benefit of the Exchequer, and not, in their use of the rules of arithmetic, apply the rule of subtraction to the public, and that of addition to interested classes.

Clause agreed to.

On the Clause relating to plums preserved in sugar,

Mr. Alderman *Humphery* objected to the Clause, which would interfere with the enjoyments of the people.

Mr. *Warburton* observed, in reference

to this matter, that a Committee of which the right hon. Member for Kent, the Paymaster of the Forces, had been a Member had decided that the duty upon foreign apples should not be increased; and yet, in defiance of the recommendation of that Committee, the former duty of 5 per cent. was raised to 6*d.* per bushel. He wished now to know from the right hon. Baronet, the Member for Kent—the representative of an apple-growing county—how this had happened, when that right hon. Gentleman had been himself the Member of a Committee which had come to the resolution that the duty ought not to be increased? He thought it rather too bad, when a new Tariff had been introduced, the object of which was to lower duties, to find that on articles like this the duty should be raised, when a Committee appointed but a short time before reported against an increase of duties. He should be glad now to have any justification for the increase of the duty on apples.

Sir *Robert Peel* remarked, that it was no great temptation to engage in the task of reducing duties, if they were to be called upon every succeeding Session to defend each of the 1,200 articles upon which a charge had been effected. As to the hon. Alderman (Mr. Humphery), it was plain he had been so encouraged by his former success upon lobster and turbot, that he wished now to have an addition in his pudding. The first course having been secured, he wished to provide for the latter portion of the feast, and it must be admitted that this was a subject on which the hon. Alderman had considerable knowledge. As to the question put by the hon. Member for Kendal, it unfortunately happened that the hon. Gentleman had not been in Parliament when the matter had been discussed. If he recollected right—but it was very difficult to bear all these matters in one's mind—Lord Melbourne had made a promise, or that which was considered tantamount to an engagement, that the duty should be increased upon apples. In 1839, it appeared from *Hansard* that Lord Melbourne said that he never intended to make that engagement; but the farmers had acted under the impression that he had done so. He did not say that Lord Melbourne thought it advisable that the duty should be increased; but for the purpose of facilitating the passing of the Customs' Bill, he had promised that the matter should be further investigated, and that had led to the expectation that the duty would be increased. The hon. Gentleman had not been present at the discussion. If he had, it would have saved him the trouble of putting the question; but of this he could positively assure him, that when his right hon. Friend accepted office, he made no stipulation as to apples; and there was, he affirmed, no compromise of principle on this subject, between his right hon. Friend and Her Majesty's Government.

Mr. *F. T. Baring* observed, that there could be no doubt that Lord Melbourne had made the engagement that the subject should be reconsidered, and in consequence of that promise a Committee had been appointed for the purpose of inquiring into the subject. The Committee had inquired and reported against the increase of duty, and his noble Friend considered that his promise had been fulfilled. He believed, however, that the conversation of his noble Friend on the subject had been represented in a different way.

Mr. *Gladstone* observed, that they were only now acting over again the debate of 1842, and this for the information of the hon. Member for Kendal.

Mr. *Warburton* remarked, that what had now been mentioned proved that his statement was perfectly correct. A Committee had been appointed, which reported against the increase of duty on apples. The right hon. Member for Kent was a Member of that Committee, and yet the duty had been afterwards increased.

Sir *E. Knatchbull* begged pardon; but the facts were precisely these. There was some misunderstanding as to what Lord Melbourne said. That misapprehension was admitted, and a Committee was appointed. That Committee reported, not that there should be no increase to the duty, but a diminution of the duty. No opposition was then made; but he now repeated that all his noble Friends in the other House put the same construction on Lord Melbourne's words that he had put. All were of the same opinion as to what fell from Lord Melbourne at the time.

Mr. *Bright* observed, that there was another article grown in the county which was represented by the right hon. the Paymaster of the Forces, and of which great care was taken in the Tariff—that was canary seed. [*Cries of* "question."] He admitted the subject was not before

them; but when another question came under discussion, and not the interests of Kent, or Essex, or Suffolk, he trusted they would at least give to it that extraordinary care, if not that minute attention, which they had bestowed upon the interests of their respective counties.

Sir *R. Peel:* There was still another article grown in Kent—namely, hops; and the reduction of the duty on foreign hops was five times as great as the increase of the duties on apples and canary seed.

Mr. *Humphery* remarked, that they were going away from the question—plums preserved in sugar. Now, there was orange peel. There was orange peel and lemon peel preserved in sugar—they had lowered the duty on them; whilst upon plums preserved in sugar they had increased the duty from 1*l.* 7*s.* 6*d.* to 2*l.* 15*s.* Were plums to be preserved alone in Kent? The duty on confectionery was lowered. Why did they not call plums preserved in sugar confectionery? They were so as much as orange peel or lemon peel either. He understood that plums preserved in sugar were as much confectionery as orange or lemon peel. He was quite sure that there was here something more than they saw. There was some reason for raising the duty more than 100 per cent. He believed that if the increased duty were put on, it would prevent all plums preserved in sugar from being imported.

The *Chancellor of the Exchequer* could assure the hon. Gentleman there was nothing here to excite suspicion. A Treasury order could have made the regulation which it was now proposed to effect by law.

Clause agreed to.

Upon the Clause affecting duties on wool being proposed,

Mr. *Gladstone* remarked, that they had now come to a matter, which was far too important to be permitted to pass without notice. It was a vote proposing the total extinction of duty upon the raw material of that which was the most ancient and the most extensive of their manufactures, and with respect to that vote, he trusted that he should have a cordial, and an almost unanimous concurrence of opinion. With regard to the great facts relating to this branch of trade, they had been so clearly stated, and so thoroughly sifted upon various occasions, that he should pass over many of them, and confine himself principally to those parts which showed what was likely to be the effect produced by a reduction of duties, and that both as regarded the prosperity of the trade itself, and the sources from which it was supplied. Even upon this topic he should only say a few words, and he did so, because the idea still appeared to linger in the minds of some few persons, that these duties, which he proposed to repeal, acted as a valuable protection to the growers of British wool. He did not intend to put this argument to agriculturists of this country, that they should suffer a small deterioration in the value of the article they produced, and ought to give way to the general interest. It was not necessary for him, to take any such ground. The abolition of these duties as a distinct burthen, he did not say absolutely, nor without qualification, as they affected every species of wool, would improve the price of wool; but he said, that in reference to the great mass of the wool growers of the most extensive description, it would not lower, but it would give a stimulant to the price of British-grown wool. As to Australian wool, he was not able to say so much. So far as Australian wool was used for mixture, a beneficial effect would be produced; but then, so far as it was not used for mixture, he was not able to say but the change might have a depreciating effect on the price of Australian wool. The depreciating effect could be but upon a particular description of wool, and it was altogether trifling; and whilst he admitted the claims of these distant colonies, yet, in this case they were trivial as compared with the great value of the change to the manufacturers of wool, whether they were engaged as capitalists who worked the wool, or the agriculturists who grew it. He could not speak with authority from official returns; but the prices he was now about to quote, he believed had been carefully noted. What he proposed to do was, very briefly to make a reference to a few figures, and by which he should be able to show that he did not lay down the position on which he relied without good grounds. The House was aware that previous to 1819 there was a very moderate duty upon the import of wool—about 7*l.* 11*s.* per cwt. In the years 1820, 1821, and 1822 a heavy duty was in full operation. Let them now compare the light duty with the heavy duty, and see what was the effect upon the export of

British manufactures, as well as upon the price of British wool. From 1816 to 1818, the value of British manufactures exported was 8,137,000*l.*; and during the period of three years, when the heavy duty of 6*d.* a pound was imposed, the value of British manufactures exported, instead of being 8,137,000*l.*, declined to 6,014,000*l.*, so far then, was the interest of the British manufacturer affected. And now, to show how intimately the interests of the British manufacturer and the British agriculturist were connected: In the three years of the light duty, and previous to the impost of the duty of 6*d.* the pound—he took the prices of three descriptions of British wool—in these three years the average price of the South-down wool, was 2*s.* the lb., that of the Kent wool was 1*s.* 5½*d.* the lb., and that of Highland wool, 2*s.* 1*d.*, or 2*s.* 0½*d.* the lb. The prices of the three wools was 2*s.* 1*d.*, 2*s.* and 1*s.* 5½*d.* Then, in the years 1820, 1821, and 1822, when the heavy duty was imposed, the South-down wool, which had been 2*s.* sunk to 1*s.* 3½*d.* the lb.; the Kentish wool, which had been 1*s.* 5¼*d.*, in the previous three years, fell to 1*s.* 1*d.*; and the Highland wool, which had been 2*s.* 1*d.* sunk down to 1*s.* 4½*d.* the lb. He was thus able to show, that during the period of the low duty, there was a great export of woollen manufactured goods, and a comparatively high price for British wool; whilst in the other period whilst the manufacturer suffered, there was a depreciation of price for the grower. In 1823, the duty was reduced from 6*d.* to 1*d.* Twenty years had elapsed since that reduction; and, as an illustration of the effect, he would compare the year of the lowest with the year of the highest price. The year when British wool was lowest in price was 1829, the prices of South-down wool being 7*d.* a pound, and that of Kentish wool 9*d.* Now, it appeared also, that this year, when the price was lowest, was the year when the least foreign wool was imported. In this year, the importation of foreign wool was 21,000,000 lbs., and in every other year the importation had been greater, and in the average of years very much greater than that. But there was another coincidence which he would now refer to in further illustration of this subject, and which was equally remarkable. It appeared, that in the year 1836, that year of the twenty in which the price of British wool had been the highest, the importation of foreign wool had been the largest. In 1836, the price of South-down wool had risen from 7*d.* to 17*d.*, and of Kentish from 9*d.* to 20½*d.*; and instead of an importation of 21,000,000 lbs., there had been an importation of not less than 64,000,000 lbs., being, in short, the greatest importation that had occurred in any of the last twenty years; no other approaching it nearer than within 7,000,000 lbs. He thought that the conclusions which should be drawn from these statements were obvious and irresistible. He thought he had shown that, owing to the practical qualities of British and foreign wools respectively, and the advantage which resulted from mixing them, the consumption of the one promoted the consumption of the other, and that when you relieved the one from a duty, you improved the market for the other. The two articles, in fact, were not in competition at all, but one of mutual service, being used together. It was just such a case, for instance, as if the duty on tea were reduced, when the consumption of sugar would receive an immediate stimulus, and *vice versâ*. At the same time, whilst the reduction of this duty promoted the consumption of the British article, it would lead to this further great advantage, that it would give our manufacturers increased facilities for competing with those of foreign countries, by enabling them to meet them in a fair open market for the purchase of their raw material. As an evidence of the light in which this change would be viewed, both at home and abroad, he would mention that he had recent accounts from Germany, in which it was stated, that the sentiments of the wool growers of that country were those of great satisfaction at our proposed reduction upon importation; that feeling on their part was more than counterbalanced by the dissatisfaction of the woollen manufacturers of Germany, who foresaw that the change would lay them open to a wider field of competition on the part of the British manufacturer.

Mr. *Miles* said, that though he approved of much that had fallen from the right hon. Gentleman who had just sat down, yet he could not disguise from himself and the House, that the change now proposed was looked upon in the country as a blow to the agricultural interest, and as a step towards those principles of free

trade advocated by the hon. Gentlemen on the opposite side of the House, but which he, and those who sat on his side of the House, concurred in deprecating. It was very difficult to come to a correct conclusion upon the true bearings of this case, from the different accounts which Returns afforded. He had moved for ample Returns, which would show the position of the British farmer in regard to this tax. As far as home consumers were concerned, he did not think that it could be shown that they would be very much benefited by taking off this tax. For if they took two pounds as the quantity of wool necessary to make a yard of cloth, the purchaser would only be benefited to the extent of 1*d.* in the price of it. With regard to the foreign market also, he did not think that the evidence of figures showed that the reduction of duty that had already taken place had been of any great advantage to our manufacturers. Taking the average of the four years before 1825, when the duty was 6*d.*, and comparing it with that of the four years succeeding, when the duty was 1*d.*, he found that the average export of woollen manufactures was 6,044,000*l.*, and in the latter period, 5,632,636*l.*, being a decrease of about 412,000*l.* At the same time that this reduction would not, as he apprehended, be of the service expected of it to the manufacturer, as he said before, the feeling in the country was very strong against it, not so much on account of the amount of the tax, as because it was apprehended that its abolition might be looked upon as a step towards the principles of Free-trade. He (Mr. Miles), however, was bound to look fairly and impartially at the question in all its bearings, and, doing so, he was to bound to say, that he considered that the reduction of duty in this case would be rather of benefit than of detriment to the home-grower. Whenever the abolition of differential duties was urged from the other side, the answer on that (the Ministerial side) was, "Let us look to our own Colonies." Why, would not the same argument answer now? Wool was the staple produce of the Australian Colonies, and the increase in the importation of it since 1831, had been most extraordinary. The importations of wool from the Australian Colonies, including Van Diemen's Land, was, in 1831, 2,493,337lbs.; and in 1843, 17,483,783lbs. The only protection it had hitherto received in this country was the duty of 1*d.* per pound on German wool; and the remission of that duty must necessarily damage the sale of Australian wool. The remission was small in amount, but it showed which way the wind blew. He was sorry that, at a moment when the slightest alteration of duty might have the effect of creating a panic, and when the confidence of the agricultural community was beginning to revive, the opportunity should be taken to remit a duty which was deemed a protection of the agriculturists of this country and of the Australian colonies, and the abolition of which was not demanded by the manufacturing interest. He thought, also, that Her Majesty's Government might have found many other duties, the reduction on which would be much more important to the manufacturer, and at the same time not open to this objection.

Mr. *C. Wood* was glad to hear the hon. Gentleman opposite, who was the proved and acknowledged defender of the agricultural interests in this House, give his unequivocal testimony to the fact, that the remission of this duty would be of advantage to the agriculturists themselves. The hon. Gentleman had spoken of the falling-off in the exports of woollen goods before and after the reduction of the duty from 6*d.* to 1*d.*; but in so doing, he appeared to have lost sight of the fact, that a very considerable quantity was now manufactured combined with cotton. It would be found that the average export of mixed cotton and woollen goods had increased since 1838, in a proportion of nearly three to one. He rejoiced that the Government were about to take off this duty; and he did not think that any serious apprehensions need be entertained of the effect of the Measure upon the Australian Colonies.

Mr. *Trotter* expressed his unqualified approbation of the proposal, which would not only be of advantage to the trade of the country, but would promote a larger consumption of wools of British growth.

Mr. *Collett* expressed his approbation of the Measure, and hoped that it might be taken as an evidence of a willingness, on the part of Her Majesty's Government, to act upon like principles in regard to sugar and corn.

Mr. *Darby* protested against his consenting to the reduction of this duty being taken as a step towards the principles of

free-trade. It appeared, that the reduction of this duty would be of advantage to the manufacturer, and also to the home grower; it was, therefore, a different question to that of an article in which the agriculturist had to compete with the foreign grower.

Mr. *Labouchere* would beg to remind the hon. Gentleman who protested against this reduction being taken as a step towards free-trade, of the wise and liberal sentiments which the right hon. Gentleman at the head of the Government had made upon that subject, upon entering office; and which he had, to some extent, carried out by practical measures. It was in vain for hon. Gentlemen opposite to deceive themselves; it was in vain, that they played the fast and loose game they had been doing occasionally upon subjects of this kind; and he protested against the notion, that all concessions of this kind were not steps towards the accomplishment of the sound principles of free-trade, which the right hon. Baronet at the head of the Government had propounded.

Mr. *Darby* explained. The article of wool, being one upon which the foreign produce did not enter into competition with the home-grower, its reduction could not be considered as a concession to principles of free-trade. The free-trade advocated by the right hon. Baronet and the Government was very different from the free-trade of the right hon. Gentleman. The principle for which the Government contended was free-trade combined with due protection to the agricultural and other interests of the country, but that was a matter altogether abandoned, in the free-trade of the party opposite.

Mr. *Labouchere*, in explanation, contended, that all these measures were so many steps in the progress of free-trade. He had never held that the principles of free-trade were to be carried into effect so abruptly as not to consider the important interests of the country with which they had to deal.

Mr. *Warburton* said, that the interests of the manufacturers of wool were perfectly consistent with the growers of wool, and that which was beneficial to the one was necessarily advantageous to the other. That, however, was not, he thought, the proper occasion to enter upon the battle of free-trade. To the grower he thought the proposed alteration would be of great advantage, as he would be relieved from all that uncertainty by which his transactions were now attended, and would know exactly upon what he had to depend. There could be now no tampering with the price of the article through the medium of duties, and the growers, therefore, would have to rely on their own energies, which would be found better safeguards of their interests than any protective duties. He rose, principally, to express the satisfaction of his constituents, who were, to a great extent, growers of coarse wools, at the alteration now proposed.

Sir *R. Peel* thought, when an important measure like that now under consideration met with general concurrence, it would be most unwise to disturb the harmony of the House by entering into a discussion upon the general question of free-trade or any other subject. At the same time, he could not shrink from the abstract principles which he had avowed on bringing forward the Tariff; and he must further be allowed to state, that the reduction of duties now proposed on wool, coffee, currants, and other articles, was a measure in precise conformity with those general abstract principles he had then announced, that was to say, it was a relaxation of restrictions on commerce effected with so much consideration, and so gradually, as not to operate unfavourably upon any existing interests. He adhered to all the principles he had professed upon this subject, and he repeated, that the Measure now before them was in precise conformity with them, and he should deprecate any departure from those principles, when they were met in so liberal and handsome a manner by those hon. Gentlemen who represented the agricultural interest. With regard to the observations of his hon. Friend, the Member for Somersetshire (Mr. Miles), his hon. Friend had admitted distinctly, that, upon the whole, the reduction of the duty upon foreign wool would be an absolute benefit to the agricultural interest, though he regretted that the Government had selected that particular time for making the alteration. Now, he would ask his hon. Friend, did he think the Government would have been justified, either as Legislators or Ministers of the Crown, if, feeling that it was their duty to propose a measure for removing restrictions from one of the great staple manufactures of the country, and of giving

opportunities of enlarging the sphere of manufacturing industry, and increasing our exports, and believing that they could effect that object, and at the same time confer a positive benefit on the agricultural interest by encouraging the growth of British wool and possibly increasing its price, if they had neglected to do so? And he asked his hon. Friend for this admission, that they had performed their duty in securing to the agricultural interest that positive benefit, though, amongst some ignorant and prejudiced men, there might be doubts as to its effects. These were not to deprive the agriculturists of the country of an admitted positive benefit because there might be some undue apprehension and alarm as to its results.

Mr. *Miles* observed, that what he had said was, that the Measure was no protection to the agricultural interest, though it was an advance towards free-trade, so far as the Australian Colonies were concerned.

Mr. *Stuart Wortley* believed, that the alteration proposed would be to the advantage of the agricultural interest. Whatever protection the duty might have been to that interest in former times, by impeding the import of foreign wool, it had been neutralized by the introduction of Australian wool.

Clause agreed to.

The House resumed. Bill to be reported.

BUSINESS OF THE HOUSE.] Sir *R. Peel* said, he had given notice of a Motion which he should be sorry to bring on at a late hour of the night, when the House would be thin, without some previous intimation, as it was a Motion which should always carry with it the general concurrence of the House. The Motion was, that after Thursday, the 3rd of June, Thursdays should be devoted to the consideration of Orders of the Day instead of Notices. Looking at the advanced period of the Session, and the amount and importance of the business on the Paper—the Bank Charter Bill and others—he hoped the House would not object to the course which it had adopted in previous years in this respect. In that case, he would make the Motion at a later period of the evening.

Mr. *Labouchere* expressed his general concurrence in the course proposed.

It was subsequently ordered, that after June 3, Orders of the Day shall have precedence of Notices of Motion on Thursdays.

STAMP DUTIES.] House in Committee on the Stamp Duties Bill.

Clauses agreed to.

On the Schedule of Duties being proposed,

Mr. *Forster* rose to move the Amendment of which he had given notice. He would give a short history of the effects of the duty on marine policies. The first duty was 2*s.* 4*d.* for each policy, which was afterwards gradually increased, till, in 1795, the duty was imposed in the shape of an *ad valorem* duty on the premium paid, in place of a fixed duty on the policy, viz., 1*s.* 3*d.* for every 100*l.* insured, where the premium did not exceed 10 per cent., and 2*s.* 6*d.* for every 100*l.* insured, when the premium exceeded 10 per cent. This was done with the understanding that it was to be a war tax, to be repealed on the restoration of peace. This tax was doubled in 1797. The revenue raised by the tax during the war, when we had a monopoly of the trade of the world, was considerable. In 1809, it was 406,035*l.*, but on the return of peace, the duty not having been reduced as it ought to have been, the business left us for foreign countries, and we may take Hamburgh as a proof of it. In 1814, the amount of marine insurance at Hamburgh, was only 41,791,000 marcs banco. It increased, in 1821, to 129,016,000 marcs banco; in 1831, to 181,070,000 marcs banco; and in 1841, to 272,375,000 marcs banco; with a proportionate increase in France, Holland, America, and other countries, with a simultaneous decline in this country; the duty having fallen, in twenty years after the peace, to less than one-half what it was during the war, notwithstanding the trade of the world had nearly doubled. In consequence, the duty was reduced, in 1834, on an average, about one-half, and it was calculated the revenue would lose about 100,000*l.* per annum. In place of which, however, it increased from 203,182*l.*, in 1835, to, in 1840, 296,344*l.*, when the effect of the tax began again to be felt, and the duty fell from 283,088*l.*, in 1841, to 254,336*l.*, in 1842; the absence of all duty on the trade in foreign countries having drawn the business still farther from this country; and, when the Return for

1843 appeared, there was little doubt it would show an additional decline. The loss of business was proved by this, that while our shipping, and our exports, and imports, had yearly increased, the amount of duty had yearly diminished. The following would be the comparative rate of duty paid under the proposed scale, on the produce from our distant Colonies, compared with similar produce from foreign countries nearer home :—

Colonial.	*s.*	
Cotton from Bombay will pay .	2	per cent.
Sugar from Bengal . . .	2	"
Wool from Australia . .	3	"

Foreign.	*d.*	
Cotton from New York . .	6	per cent.
Sugar from West Indies . .	6	"
Wool from Hamburgh . .	3	"

The same injustice is done in the case of British manufactures sent abroad :—

	s.	
To China, they will pay . .	4	per cent.
To the East Indies . . .	3	"
To Australia	3	"
To Canada	1	"
	d.	
To New York . . .	6	"
To Hamburgh . . .	3	"

Thus the further your goods have to be carried, the higher the tax. Cotton twist to India will pay 3*s.* per cent., to Hamburgh, 3*d.* The hon. Member concluded by moving to leave out the words, " shall not exceed 30*s.* per cent.," in order to insert the following scale on marine insurance, viz. :—On premiums under, and not exceeding 10*s.*, 3*d.*; on premiums exceeding 10*s.*, and not exceeding 20*s.*, 6*d.*; on premiums exceeding 20*s.*, 1*s.*; on premiums on time-risks, not exceeding six months, 1*s.*; on premiums on time-risks, exceeding six months, 2*s.*; on mutual policies, 1*s.*

Dr. *Bowring* supported the amended scale.

The *Chancellor of the Exchequer* could not agree to the proposition. He believed that he had carried reduction as far as he safely could; and so far as to place England, with respect to marine insurances, on a more equal ground with other countries than it had formerly enjoyed.

Mr. *Hume* thought, that the more moderate scale of duty should be adopted, and he would, therefore, support the amendment.

The *Chancellor of the Exchequer* explained.

Colonel *Sibthorp* hoped that there would soon be a reduction in the duty on fire insurance. Such a measure would be attended with great public benefit.

Mr. *Warburton* thought, that the tax should be made so low, as to offer the greatest possible inducement to shipowners to insure.

The Committee divided on the question, that the words proposed to be left out, stand part of the Schedule :—Ayes 69; Noes 22: Majority 47.

List of the Ayes.

Acland, Sir T. D.	Grimsditch, T.
Antrobus, E.	Grogan, E.
Bailey, J. jun.	Hamilton, W. J.
Baillie, Col.	Henley, J. W.
Baird, W.	Hepburn, Sir T. B.
Bankes, G.	Hussey, A.
Beckett, W.	Johnstone, H.
Bentinck, Lord G.	Lincoln, Earl of
Blackburne, J. I.	Lockhart, W.
Boldero, H. G.	McGeachy, F. A.
Boyd, J.	Mackenzie, W. F.
Brisco, M.	McNeill, D.
Broadley, H.	Marsham, Visct.
Bruce, Lord E.	Martin, C. W.
Buckley, E.	Mundy, E. M.
Burrell, Sir C. M.	Nicholl, rt. hon. J.
Cardwell, E.	O'Brien, A. S.
Clive, hon. R. H.	Peel, rt. hon. Sir R.
Corry, rt. hon. H.	Plumptre, J. P.
Courtenay, Lord	Rashleigh, W.
Cripps, W.	Shaw, rt. hon. F.
Darby, G.	Sibthorp, Col.
Dickinson, F. H.	Smith, rt. hn. T. B. C.
Douglas, Sir C. E.	Smollett, A.
Drummond, H. H.	Somerset, Lord G.
Duncombe, hon. A.	Stanley, Lord
Escott, B.	Sutton, hon. M.
Flower, Sir J.	Thesiger, F.
Forbes, W.	Trotter, J.
Gardner, J. D.	Vesey, hon. T.
Gaskell, J. Milnes	Wortley, hn. J. S.
Gladstone, Capt.	Wortley, hn. J. S.
Gordon, hon. Capt.	Young, J.
Goulburn, rt. hon. H.	TELLERS.
Graham, rt. hn. Sir J.	Clerk, Sir G.
Greenall, P.	Pringle, A.

List of the Noes.

Aldam, W.	Martin, J.
Brotherton, J.	Maule, rt. hon. F.
Duncan, G.	Mitcalfe, H.
Elphinstone, H.	Morris, D.
Ewart, W.	O'Ferrall, R. M.
Granger, T. C.	Philips, M.
Hodgson, R.	Sandon, Visct.
Hume, J.	Scholefield, J.
Hutt, W.	Stuart, Lord J.

Talbot, C. R. M.
Warburton, H.
Williams, W.
Wyse, T.

TELLERS.

Bowring, Dr.
Forster, M.

The original Schedule agreed to.
House resumed.
House adjourned at one o'clock.

HOUSE OF LORDS,

Monday, May 20, 1844.

MINUTES.] BILLS. *Public.* — 1ª. Union of Sees of St. Asaph and Bangor Prevention.
2ª. Factories Bill.
Private.—1ª. Werrington, etc. Curacy, or Hele's Estate (Marchioness of Lothian's); Salford Improvement; Whitehaven and Maryport Railway.
2ª. Manchester, Bury, and Rossendale Railway; Maryport and Carlisle Railway; Blackburn and Preston Railway; Northern and Eastern Railway (Newport Deviations); Eastern Counties Railway Validity.
Reported. — Dowager Lady Rivers' (or Rigby's) Estate; Leeds and Bradford Railway; Leeds New Gas; Liverpool Fire Prevention; Padstow Harbour.
3ª. and passed:—Marquess of Ailsa's Estate; Globe Insurance Company; Eastern Counties Railway Validity.

PETITIONS PRESENTED. From Crondell, and a great number of other places, for Protection to Agriculture.—From Belfast, for the Suppression of Private Slaughter Houses.—From Glanton, and 3 other places, against the Dissenters Chapels Bill.—From Yeovil, for the Adoption of a Measure for the Better Recovery of Small Debts.—By the Bishop of Bangor, from Gainsborough, and a great number of other places, against the Union of St. Asaph and Bangor.—By Lord Campbell, and Marquess of Londonderry, from Currin, and several other places, for Legalising Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Chipping, for Inquiry into the Laws on the subject of Gifts and Bequests for Ecclesiastical Purposes.—From Leeds, and several other places, against the Creditors and Debtors Bill.—By the Marquess of Lansdowne, and Earl of Dartmouth, from Limerick and Birmingham, in favour of Art Unions.—From Ballyshannon, for Repeal of a certain Clause of the Spirits Act (Ireland).—From Meigle, for Improving the Condition of Schoolmasters in Scotland.

LANCASTER AND CARLISLE RAILWAY BILL.] The Marquess of *Clanricarde* begged leave to call their Lordships' attention and the attention of his noble and learned Friend to a Petition which had been placed in his hands. It emanated from parties concerned in the formation of the Lancaster and Carlisle Railway. They stated, that a difference had arisen between the two Houses of Parliament on the subject of the Bill authorising the formation of this Railway; and they prayed their Lordships to adopt some measure for the settlement of the dispute, so that the Bill might pass before the termination of the present Session.

Lord *Brougham* said, that these Railway projects assumed the most unprecedented and alarming powers of interfering with private property and the rights of individuals; they ought, therefore, not to be sanctioned by Parliament, unless the most perfect good faith was observed by all the parties concerned towards those whose property was likely to be affected. A petition calling on them to interpose in a matter between the two Houses of Parliament—where the question was, whether the two Houses would or would not agree to certain parts of the Measure—was totally unprecedented. He was personally interested in this matter, and he was sorry that he should be obliged to trouble their Lordships with a statement of what the case really was. It was no light matter, he could assure their Lordships, to have one of these Railways formed near one's private residence—to be driven from one's home—to find it impossible to remain in a place where they and their ancestors had resided for perhaps 800 or 900 years—in consequence of a Railway being formed near them. To this they were exposed by the intrigues of attornies, land-measurers, land-surveyors, and land-jobbers, who, under pretence of consulting the public good, were pursuing their own private interest—and if they could trench upon your gardens, your pleasure grounds, or your woods, without control, what was to prevent them from driving a Railway through your hall or through your sitting-room; — it was his intention, at a future time, to take the sense of their Lordships on this subject. It was a most important subject, and one that ought to be gravely considered by their Lordships. He had at first opposed the Bill in question; but he ultimately yielded—he waved his objection—he sacrificed his private convenience to the public good. But he did so on terms, on conditions. Those conditions were twofold. One of them had been performed; but the second — a most material and important one — was not performed. A Clause had been inserted in the Bill to the purpose, during its passage through their Lordships' House, but an opposition to it had suddenly arisen in the House of Commons, and that opposition had prevailed in the Standing Order Committee. He had some evidence on the subject, but he had not yet discovered in what way this opposition was raised in the other House of Parliament. An opposition was, however, raised in the other House, and it had prevailed. The right hon. the Speaker had told him, that though he never heard one word about that opposition, yet, when he went down to the House, every one was talking about it. Extraordinary pains, it

appeared, had been taken to raise a storm, and to get rid of the Clause relative to which their Lordships had held a conference with the other House. That Clause embodied one of the conditions for which he had stipulated, and in consideration of which he had withdrawn his opposition to the Bill; and if the other House would not agree to it, if that condition were not to be fulfilled, then, he said, let him be placed in the situation he was in before to oppose the Bill — let him be placed in the same situation as that in which he stood before the terms of the bargain were broken. This, it should be observed, was not an individual case, but embraced a general question. If parties made bargains, and entered into conditions with respect to the formation of Railways, and afterwards receded from them, why, there was an end to all security. There were some individuals, parties to this Measure, whom he highly esteemed —men who were political as well as personal friends—there were also several reputable professional men engaged in it; and, undoubtedly, he did not mean to cast any reflection on those respectable parties. Something extraordinary was certainly done to produce this opposition—as he believed he should be able to prove, if a Committee were granted, for which he should move in the course of a few days. How would any one of their Lordships feel, if a railway were projected near his castle, or his villa, and, having on certain conditions withdrawn his opposition to the Measure, suffered the Bill to pass, but found at the eleventh hour that those conditions were broken? How would any of their Lordships like to have his gardens, his pleasure grounds, his woods, his whole estate deteriorated by the erection of buildings, and by the congregation in his neighbourhood of hordes of labourers employed on the works? This was a very pleasant situation to be placed in for two or three years. He would resist any such proceeding. He would not allow himself to be trampled on by a Railway Company, merely because they had large sums of money at their disposal.

Lord *Campbell* said, he knew nothing about the proceedings connected with this Bill, nor was he aware that the noble Marquess was about to present a Petition on the subject. Still he felt it necessary to offer to the House a few observations respecting it. As to the Clause from which the Commons dissented, it appeared to him to have been introduced in a manner entirely contrary to the spirit of those rules which his noble and learned Friend had himself mainly aided in establishing and carrying into effect. The Clause in question related to the erection of two gates, on Her Majesty's highway, between Lancaster and Carlisle. It was not originally submitted to the Committee either of the House of Lords or Commons, but was introduced on the bringing up of the Report in their Lordships' House; and he was not aware, that at the time any explanation was given of the grounds on which it was introduced, or that they were put in possession of any reason why this Clause should be inserted: it was introduced on the Report *sub silentio*. The Bill was read a second and third time, and was returned to the House of Commons. That House discovered that such a Clause had been added, and it was investigated before a Committee of that House, who objected to it. He held in his hand the reasons assigned by them for dissenting from the Clause, and they appeared to him to be very stringent. The Commons stated that they disagreed from the Clause because no notice had been given, in order that the public should be aware of the intention to erect those gates; and because the said Clause could not properly be introduced into the Bill, it having relation to a matter entirely distinct from the object which was intended to be carried into effect, and totally unconnected with the proposed Railway. He should be glad to hear the reasons that could be adduced in support of the Clause, and if those reasons prevailed on his mind, he should feel the greatest pleasure in agreeing to it. But still he must enter his strong protest against the manner in which the Clause was introduced.

Lord *Brougham* said, the Standing Orders Committee had, in fact, nothing to do with this Clause. The Bill was not a contested Bill; all the parties concerned had agreed to the Clause. It was said, that no notice had been given with respect to the erection of these gates. Why, thirty-four years ago a Highway Bill was passed, having precisely the same Clause, which was copied in the present measure. That Clause related to the erection of gates on the highway between Carlisle and York. If the Clause were rejected, he ought to be enabled by counsel, agents, and witnesses to oppose the Bill; and he

must say that he would much rather throw out the Bill than have it even with this Clause.

The Marquess of *Clanricarde* said, he had been asked, in private, to move that their Lordships should agree to the Reasons of the other House and reject the Clause, but he had refused. He was the Chairman of the Committee which sat on the Bill, and when this Petition was put into his hands he felt it to be his duty, as it was respectfully worded, to present it. The Railway Company said, "We have no objection to this Clause—it does not touch us—it relates to the highway; and are we to be deprived of this important railway, because the House of Commons will not agree to what the noble and learned Lord requires?" It certainly bore very hardly on those parties, who were not to blame in the matter. He should now move that the Petition be laid upon the Table; and he gave notice that to-morrow he should move that the Petition, together with the Reasons assigned by the Commons for dissenting from the Lords' Amendments, be printed.

HOURS OF LABOUR IN FACTORIES.] Lord *Wharncliffe* said, that in moving the second reading of the Factories Bill, their Lordships would probably expect some explanation of its provisions, but he hoped that they would not lead, at all events at this stage of the Measure, to any objections on the part of any of their Lordships. It was a Bill to amend a law with respect to Labour in Factories, which was passed in the year 1839, and the present Measure was founded upon the Reports of the Factory Inspectors, and of a Committee of the House of Commons which sat in 1840, and which made their Report in the spring of 1841. Since that time several Bills had been introduced into Parliament upon the subject, but they had never got beyond the House of Commons. He would now explain to their Lordships the difference made in the law by this new Bill, as compared with the law as it at present existed. The first alteration was with respect to the working of children in the factories. By the present law, children between the ages of nine and thirteen years were allowed to work in factories for nine hours each day. No child could enter into any factory without having previously obtained a medical certificate that he or she was of the usual strength of a child of nine years of age, nor could such a child continue to work there without receiving a certificate of the schoolmaster that the child had attended school for two hours each day. The present Bill proposed, in the first place, to alter the age of the child from nine years to eight, at which the period of the child's working in factories should commence; but on the other hand, it declared that the number of hours which the children were to be allowed to work, instead of being nine hours a day, should only be six hours and a half a day; and a certificate was also required from the school-master that the children attended school three hours each day in summer, and two hours and a half each day in winter. There was an exception as to the hours of work; that in those factories where the dinner hour was one o'clock, the children were allowed to work seven hours instead of six and a half, otherwise, if they began to work, as usual, at six o'clock in the morning, the mill would have to be stopped at half past twelve o'clock, and time would be lost; but this was the only exception to the rule that the hours should be six and a half. So that the utmost period of working of any child under thirteen years of age would only be seven hours. He need not point out to their Lordships that this alteration, taking from the labour of children two hours and a half a day, would have the effect of preventing their being overworked, and of being subjected to those hardships which were so loudly complained of. The next regulation of the Bill related to the labour of "young persons;" at present, all young persons between the ages of thirteen and eighteen were restricted working in these factories to twelve hours a day. This Bill made no alteration with respect to their hours of labour; but there was this alteration, that it restricted the labour of adult females to the same time as that of young persons. This, undoubtedly, was a great alteration of the present law. The other alteration of the law affected the powers of the inspectors. Under the present law the inspectors had the power of acting as magistrates, and of making rules and regulations for the internal management of the factories. It had been thought better that these powers should be withdrawn, and the regulations be made by law, rather than be left to the discretion of the inspectors. The next alteration was in respect to the surgeon's certificate. The children were to be examined, and the certificate compared with their strength and appearance; but

the great improvement was, that the certificate might be impeached, and the person proposing to employ them might be obliged to produce the baptismal certificate of the children. The Bill then went on to say, that the surgeon should take certain fees, which should be paid by the master. Considerable alterations were made, likewise, as to fines. Up to the present time the offence of allowing children to work illegally, was only a single fine for each day on which the offence was committed; but it was thought better to make the fine less, and to impose it upon the master for every child so worked. Another alteration was as to machinery. Their Lordships knew how dangerous machinery was to children, how liable they were to become entangled with it, and a provision was made that millowners should take care that their machinery was properly guarded, and a penalty was imposed upon them if this provision was neglected. The limitation of female labour, by this Bill, to twelve hours daily, would have the effect of restricting labour generally in factories to twelve hours. Their Lordships were aware that considerable difficulty had been experienced in passing this Bill through the House of Commons, and that the Government had the misfortune to differ on some points of it from many of their supporters. But there were times when it was the duty of Government to be firm. It was at all times the duty of the Government to inform itself carefully upon every measure, before it introduced it to the Legislature as a law, and having done so, and having considered the measure to be right, it ought to be firm, and to stand by the measure so introduced. He hoped their Lordships would support the Bill, and he now moved that it be read a second time.

The Marquess of *Normanby* said, he had no great temptation to enter into a discussion on this subject, more especially since his noble Friend who had introduced the Bill had stated the alterations it was intended to effect, with so much clearness, but with so little detail; but having formerly occupied the department of the Government from which this question particularly emanated, he had devoted much attention to a consideration of the Measure, and was disposed to offer a few observations upon it. He would not oppose this Measure, because he felt that it was an improvement upon the present Law, though he must add that he had formed a very strong opinion it did not go far enough to attain the ends for which alone interference was justifiable. It was his decided opinion, and he thought it his duty to declare it, although he knew that he differed on this point from many of his noble Friends, that interference having been once commenced, this Bill did not go far enough. Those who objected to this Bill, because they objected to the principle of putting any restriction upon labour, were opposed to universal practice and all sound theory. It having been established that interference was necessary with respect to this particular sort of labour, the question was now reduced to the degree to which we should go, and to the point at which we should stop. His opinion on this subject was formed during the period that he administered the business of the Home-office, and it was at variance with all his impressions previous to that period; but having been employed in the enfranchisement of a different sort of labour in a different part of the world, when the Bill on this subject was before Parliament, in 1833, the present was the first opportunity he had had of offering to their Lordships his opinion on the subject. It was true, as his noble Friend had stated, that the Committee of 1840 agreed with the substance of this Bill, and reported that twelve hours was the proper limit of labour; but he thought that the other alterations in the Bill of that period were of such advantage, that he did not think it necessary to press his own views on this point or his Colleagues, and he adopted the Measure as it then was, rejoicing that it was not made matter of public discussion. He had always felt that such was the peculiar state of the factory districts—the accumulation of vast masses employed only in one occupation, without the power of removing to other districts, and absolutely and totally at the mercy of their masters for employment, who had it in their power by a lower rate of wages to employ the wife and child, and leave the husband, who might have been employed at a higher rate of wages, in a state of forced idleness—that the Legislature, when once they interfered, were justified in stopping at that point only where they would restrict the hours of labour to the hours usual in all other parts of the world, where masses were combined at one kind of work. He thought that the interference proposed in another place was not excessive; and, if so, on the supporters of this Bill would fall the onus of proving that there would be danger in

the opposite course. After giving the utmost attention to every statement made on the subject, he had been unable to convince himself that the difference of one hour and a half's work would be so serious an injury to this branch of labour, as the advocates of the limitation of this Measure represented that it would be. He was aware that of late years there had been a pressure on that branch of labour, but it was a pressure different from that which could result from the operation of this Bill, being a pressure from the inadequacy of the demand for the usual supply. When there should be such a pressure on manufactures, the powers of this Bill would not at all come into operation, as the remedy which had been so often adopted of late years, and was, in some cases, absolutely necessary—that of working short time—would be adopted. He did not mean to go into any calculations on this question now, but he did not think that in the Reports of the Factory Inspectors there was any *primâ facie* evidence, that the profits of manufactures were so near the lowest point at which those manufactures could be continued; for it appeared that during the year preceding their Reports there had been, in the district of one inspector, 51 investments, and in the district of another inspector, 61 investments of fresh capital, and to a considerable amount. He had seen many accounts to show how wages had been reduced, and others to show how profits had been reduced; but he thought the statements which were made respecting the reduction of wages and profits should be received with great caution, particularly when they recollected the interested quarters from which these accounts were received. They were told of foreign factories working 14 or 15 hours a day, and were assured that if we reduced the hours of labour to ten hours, we could not compete with foreigners. But if this were true, neither could we compete with them with twelve hours; and, therefore, this would be an argument against the Bill as it at present stood, as well as against going further: the same argument applied to any restriction, and they ought not to pass the Bill at all. He thought that there ought to be a reduction of the hours of labour; and his opinion was founded on the fact that every large mass of labour was regulated by the laws of nature, and that twelve hours all the year round was more than the average amount. In all the operations of nature the time of labour was regulated by the light of day, and though you might have more labour in summer, you would have less in winter; and therefore it was impossible that the labour in those operations should exceed the amount of actual labour prescribed in this Bill. He would take, for instance, labour in the tropics. There, in consequence of the night succeeding so rapidly to the day, it would be impossible that a man should labour to the extent prescribed by this Bill. When we were told that they ought not to interfere with labour, his answer was that they had interfered already in the tropics. He had been engaged in superintending regulations of the English Government with respect to labour in the tropics previous to the emancipation of the slaves: if you had left the labour of the slaves alone, it was impossible for them to work more than twelve hours; but you were not content with that, but provided that the shellblow (as it was termed) should be at sunrise, that there should be an hour's repose in the middle of the day, and an hour for dinner, and that the shellblow should be again at sunset. This operated as a Ten Hours' Bill; but he heard nothing then of the spoliation of the rights of property, though the persons whose labour was interfered with were, in point of fact, the property of their employers. But he would be told that these persons were slaves. He was aware that there were some persons who were slaves by law; but he would ask, were there not others who were slaves by circumstances; a large portion of our population who were dependent on one species of labour for employment were virtually slaves, for they had no option as to the number of hours that they should work, for they could not remove themselves to other employments. How was it possible for a Manchester man, whose wife was working in a factory while he was idle at home, to remove himself to another employment, or to a different part of the country? Every one of their Lordships who was acquainted with the operation of the law in England, knew the consequence of such an attempt, and how soon he would be taken up and committed as a vagrant. He would say that the hour and a half, of which the great question was made on this subject, whether it would be a loss to the mill-owner or not, was of the utmost importance to the parties who were to be affected by this Bill. It required no complicated calculation in arithmetic to show this, for if they worked twelve hours, an hour and a half would be little enough

for meals, and another hour and a half almost too little for rising, dressing, and going to the mill, and returning and going to bed: that would make fifteen hours, and the remaining nine hours, he would say, were too little to perfect the education of persons from thirteen to eighteen to discharge their duties as accountable human beings, to repose from labour, or to choose any other employment. Therefore, he said, that on that one hour and a half it depended whether they would have an opportunity of exercising the faculties which belonged to them, or whether they might not as well transfer themselves to their employers, as portions of the machinery for fifteen hours a-day, and to remain for the rest of the twenty-four hours in a state of equally torpid inaction with the machinery. He did not intend to propose any amendment to the Bill, nor would he recommend to other noble Lords, after the discussion and divisions that had taken place in the other House of Parliament, to attempt to alter it; but he was the more anxious that the Bill should not pass as it was, without a protest to it, so far as he was concerned, because he knew that upon this subject he differed from many of his noble Friends about him with whom he had in general the happiness to agree.—[The *Lord Chancellor:* From all of them.] The noble and learned Lord said, "from all." He would not taunt the noble and learned Lord with the differences which the Bill had caused between him and his political friends: but being thus taunted by the noble and learned Lord, he wished to say a few words before he sat down as to the actual position of the measure, of the means by which it had been brought into its present state, and of the manner in which the Government had dealt with the question. It had been said by the noble Lord opposite, that there were questions upon which a Government should act with due firmness. That might be so, but it was right they should also show due consistency, not merely in the measures they adopted, but in their manner of bringing them before Parliament and the public. By the manner in which the Government had dealt with the question, there was fair reason to suppose that they would have been glad to allow those connected with them to give a vote that would have gained popularity in some places, and carry the measure by the votes of their political opponents. Although he did not wish to make a motion upon the subject, but merely to shadow out his views upon the question, he yet felt the importance of the matter, and yet more the position in which the conduct of the Government had placed the other branch of the Legislature. It was not regular to allude to proceedings in another place, but of late years the other House had supplied them in their votes, with the names of the Members in their divisions, and a study of them at the present moment would be as instructive a study as he could recommend to their Lordships, as much so as if he had been entitled to comment upon them. If he were at liberty to comment upon the reasons which actuated many of those votes, he should not be doing the parties any good; but he must say that anything more unfortunate for their reputation, or that of the other branch of the Legislature, had not occurred for many years.—[A noble *Lord:* Some of them.] I have no objection to say to whom he alluded. He alluded to those parties who had put forward these views upon the question, as it interested the great masses of their fellow subjects, with great sincerity and earnestness, but who, on other considerations utterly unconnected with the question, gave their votes.—[The Earl of *Devon* apprehended it was improper to comment upon the votes given in the other House.] I have guarded myself from commenting upon motives.

Lord *Kenyon* rose to order: It might be regular to comment upon the division, as a document before their Lordships; but it would be irregular to comment upon the motives from which those votes were given.

The Marquess of *Normanby* said, that he had already said he would not do so, for it would do the parties no service, and so far as they were concerned he would drop that part of the subject. He very much feared, however, the effect of those documents upon the country, and he would not hesitate to tell their Lordships why. He had been one of those who supported the Reform Bill. At that time he had not been officially connected with the Government, but he had supported the Measure, feeling, however, at the same time, that if any part of it was open to objection, it was, that it established a constituency consisting too exclusively of employers, and that, in point of fact, there appeared to be no representation of the working-classes; he adopted it, however, as a great constitutional amelioration. And he must say, that if there had ever been a document

likely to excite a feeling among the unrepresented, which their Lordships would not wish to push to extremity, it was the record of the late decision of the other branch of the Legislature upon this Bill. He regretted that decision, because, inasmuch as it took away the means of education from young persons, it tended to defer the period when these classes of the community were to be admitted to a share in the representation; and because it would aggravate the feelings of the unrepresented at the injustice of their exclusion, and add to their anxiety to participate in a right hitherto denied to them. Not only that, but it incited in them an anxiety to alter the existing constitution of the Legislature, founded upon a sense that those who were said virtually to represent them, did not in point of fact do so. That was a feeling which he feared would increase, which every man must deprecate, but which he said had been created by the conduct of the other House of Parliament upon this question at the instigation of the Government. He did not think that any Member would be affected in his seat by the vote he might have given, because it had not touched those who were the constituent body, except indeed one, perhaps, connected with a part of the country with which his noble Friend opposite (Lord Wharncliffe) and himself were also connected. In the late contest for the West Riding of Yorkshire, it was well known that the greatest anxiety was felt upon this question, as well as in 1835. An hon. Gentleman connected with his noble Friend opposite obtained great support from parties with whom this question was of great interest, and his hon. Friend, the present Member for the West Riding, was, no doubt, taken to represent the opinions of his noble Friend opposite. His noble Friend was well known to the electors by his long and faithful services in the representation, and as Chairman of the Quarter Sessions, and what recommended his hon. Friend to them was his connection with his noble Friend. He (the Marquess of Normanby) could not but think there would be a general feeling of surprise in that part of the country at the manner in which the votes of his hon. Friend on this question had been nullified; for, had not the Government staked their existence upon it, it would have been carried. He thought there would be some dissatisfaction. The Government, he held, had proceeded upon erroneous principles in regard to this measure; but even if he agreed with them in the principle, he should still be of opinion that the question was not one on which they should have called their friends about them, and required them to reverse a decision which had been three times distinctly pronounced by the other branch of the Legislature. Feeling that he had no chance of succeeding in inserting the Amendment he should desire to see inserted in the Bill, he was content to allow the Second Reading under protest. He did not believe the Measure calculated to effect the object desired. If one step further had been made, it would have been a final and rational settlement of the question. As it was, he regretted that the other branch of the Legislature should have taken a course which might hereafter lead to injurious consequences.

Lord *Brougham:* I differ entirely with my noble Friend who spoke last. His speech, from the first sentence, in which he avowed himself the champion of a Ten Hours' Bill, down to the last, contains the reason why, instead of agreeing with him that a ten hours' regulation is a sound expedient, and, as regards the working classes, a just and merciful course for the Law to take, I protest against the Bill *in toto*, twelve as well as ten hours meddling, and thereby escape from the charge of inconsistency, which my noble Friend has, I admit, some foundation for pressing against those who vote for a twelve hours' interference. But even those who support this Bill, may consistently enough refuse to travel with my noble Friend his one stage further. Suppose I were against the original interference, which I am; suppose I deprecated the interference of the Legislature in the contract between master and servant in manufactories, which I do entirely deprecate; suppose I think it an entirely wrong course of legislation on which you have unhappily entered; that is anything but a reason for my not only permitting this, but going a stage further; for if I think it wrong to place a limit of twelve hours, still less can I consent to cut it down to ten. Two years ago, when the Mining Bill was before the House, I took occasion to enter into the subject; as also at an early period of the present Session, when there appeared a probability that the Ten Hours' Clause would receive the sanction of the other House of Parliament. Thanks, however, to the mutability of feeling, or the respect for power which appears to prevail there, by whatever means, whether of a drastic or emollient nature—I believe,

indeed, by a free application of the scalpel —a happy cure has been effected, and my remedial services by an expression of my opinion are no longer so necessary as when I last addressed your Lordships. But I really protest against the whole doctrine of my noble Friend who spoke last—the whole feelings with which he, from his usual admirable nature, kindly heart, and excellent disposition, appears to be led astray; I have the more fear of such feelings, because they are so amiable in themselves that they naturally attract men's admiration, engender sympathy; and where they do not beget admiration or sympathy, they obtain, at least, tolerance. For that very reason I think them particularly dangerous; and can anything be more manifest than the danger existing at the present moment, when I find my noble Friend actually stand up as the champion of the working classes, and saying that the Reform Bill was objectionable, because it did not admit them into the franchise, but reserved it for their masters, inasmuch as the working classes, finding they were not represented, and their interests neglected in Parliament, would make a stand against a Bill which did not secure them a place in Parliament? And why are their interests neglected in Parliament? Says my noble Friend, because Parliament refuses to say to the master and man, and the woman above all, of every age, "you shall not work above ten hours in the day." Can any mortal who calmly reflects on the subject really screw up his mind to the belief, that it is for the interest of the workmen and work-women to have their hours of labour reduced to ten, when they are able, willing, and anxious to work for a longer period? Can any one believe that it is really not for their interest to be told that they are free—and we are disciples of the doctrine of free trade on this side of the House, my noble Friend and myself with all the rest—that it is not for their interest to be told, "make such contracts as you please with your master, carry your labour to the best market, where you can get the greatest share of that abundance which Providence has prepared for you, and employ all the hours of the day in working with perseverance, and spirit, and honesty, while you retain the power and the will." No, says my noble Friend, do not let him be free to carry his labour to the best market, and get the most he can obtain by it from his employer—do not let him profit as much as he can, and work as much as he is willing, and disposed, and anxious to work—put your legislative shackle on him —almost as great a shackle on these poor people as those to which my noble Friend alluded to across the Atlantic, not quite so grievous, perhaps, but exactly of the same description—do not treat them like free men and women, but like children of a larger growth, or, peradventure, like slaves. That is the principle he adopts —that the women of all ages, from seventeen or eighteen, up to seventy or eighty, should be treated as children, unable to protect themselves, and never allowed to work more than ten hours a day. That is the treatment which my noble Friend thinks it expedient to give to the working classes, for the sake of showing that you are the friends of free labour. The first thing you do is to put his freedom under an interdict, to clothe him in the shackles of an Act of Parliament, and prescribe to him what neither nature nor his own judgment nor strength has prescribed to him, the hours beyond which you will not allow him to work and labour. Do these individuals labour under the delusion that the working classes wish for this—that they would rather be confined to ten, than be permitted, if they choose, to work for twelve hours? Yes, perhaps they do so wish, provided you do not add the consideration of wages. What they want is twelve hours' wages for ten hours' work. And if my noble Friend has got any nostrum by which he can persuade the manufacturers to be wild enough, silly enough, and wealthy enough also, to give twelve hours' wages for ten hours' work, no doubt he has found out a nostrum which will be of some benefit to the working classes, and it is my entire belief and firm conviction that it is on this very blunder they are founding their demands. But it is also my persuasion that this error, like all errors, will be short-lived, and that in a short time they will discover that their true friends are those who have resisted this innovation. If there be any one topic which ought by all means to have been veiled from our eyes in the discussion, it is that of the condition of the agricultural labourer; and yet we have had appeals to us, grounded on the superior condition of the workmen in the fields. To be sure their labour is a very hard one, like that of all who are subject to the primeval curse of earning their bread by the sweat of their brow; and permit me to say, theirs is a

harder case than that of the workmen in factories, though I beg leave humbly to suggest to the advocates of misplaced and perverted humanity, or, as I prefer calling it, of cruelty and injustice, that industry is not injurious, and that it is one element of health to be able to appease the cravings of hunger by the sweat of the brow. Eating has been somewhere called by some author 'a popular amusement;' and no doubt noble Lords are at this moment much better occupied in that than in the dull amusement of hearing a speech on it; but eating is not only popular—it is also very wholesome. Nothing tends more to the preservation of life than a due leaning on the staff of life; and as "man lives not by bread alone," it is but right there should be some little gilding of the staff, and that men should be enabled, by some better sort of food, more comfortably to support life. There is not the least doubt that the factory labourers are better paid than the agricultural labourers—they live better, past a doubt. Another thing that tends much to their health and comfort, and makes the same food go a great deal further, is warmth. If any one has seen, as it has been my painful lot to see, the sufferings of the peasantry, compelled to work in the fields in the open air, their hearts must melt just as much on that subject as my noble Friend's on that upon which he has been dilating. I admit many of the statements contained in the Reports brought forward of the sufferings of the children in factories; but I pledge myself, if the subject ever again comes before your Lordships for discussion, which I hardly expect it will, after what fell from my noble Friend at the end of his speech, to bring before your Lordships a frightful picture of the sufferings of farm labourers, scantily clothed, hardly wrought, rudely exposed to the blast and the rain and the snow; coming home to an ill-warmed cottage, through which the wind finds access and exit at its will, to rest upon a bed which cannot by possibility be very dry, in a country where fuel is dear, with the clothes which he wears from one end of the winter to the other—in such unhappily situated counties as that of which I speak from my own personal knowledge and observation, never once really dry during the whole wet season of the year. Those who, like some of my noble Friends, live in Yorkshire, in the West Riding particularly, in Durham, or those parts of Northumberland which border on Durham and Newcastle, or in the south of Lancashire, which is likewise a coal country, know nothing of the sufferings of the cottage population in parts where fuel is scarce, doled out rather by the inch than the cubic foot, in faggots, and where coal is unknown. If any man, and this goes to the gist of the question, will go into any of those cottages of the North where the fire, from one end of the year to the other, is hardly ever out, fuel being so cheap, he will see that though the wages may not be higher, the health of the inmates is infinitely better, because the same food is more nourishing to a man in warmth than in cold. This is only one of the evils which might be dwelt upon, and which I could establish to your Lordships, should a fitting occasion arise to bring them to your notice, painful and invidious though it may be, if I am challenged to it by any further attempts to limit, by protecting, as it is absurdly inconsistently and perversely termed, the manufacturing labourer who is from this evil wholly exempt. A boy of seventeen follows the plough, and is exposed to the weather, or even at a younger age, but I am taking the outside, seventeen or eighteen; though boys of ten, eleven, and twelve are also employed in the field. Nobody ever thinks of interfering to protect them, or of saying, "Do not let such labourers be so employed, for it is cruel." They leave him to make his own bargain himself as a man, at the age of sixteen or seventeen, and if he is much under that what do they do? They leave him to his natural protectors—his parents. My noble Friend talks glibly of the dictates of nature: why what is more plainly the dictate of nature than that a child should be left to the care of his parents? And again I warn your Lordships, as I have done before, against committing that gross blunder of interposing, contrary to the order of nature and the directions of Providence, who has implanted in the bosom of the mother and the father a care for their offspring of which it is the great object of that Providence to secure the rearing and the life. Mischief is the inevitable and necessary effect of such interference; and I ask your Lordships to beware—to look at the consequences of providing substitutes, whether in the physical or moral world, for that which nature has of itself ordered otherwise, without your substitutes—without your meddling, without your officious interference. Beware how you provide substitutes, the inevitable consequence of which will be that you will deaden those

natural feelings, and that the parent to whom you no longer leave the exclusive care of the child, will cease about these children naturally and kindly to care. My noble Friend entered a little into the question of manufacturing profits, and the relation in which they stand to the last hour or hours of work; and he distinctly showed that we could not get at the truth on this subject. Why, that is just the very difficulty under which Parliament has always laboured and labours to this hour, which trammels its judgment and its views, and will do so until it shall have opened its eyes to the mischief of this meddling. It is because it cannot ascertain these details; because labour as much as you please, you never can arrive at the truth, but find conflicting statements which bewilder the mind, and prevent you from arriving at a satisfactory result, that you ought not to interfere, because you cannot safely interfere until you know the facts. This Bill makes greater changes than the former Act. The Bill leaves twelve hours to the manufacturing labourer as the maximum of work, not interfering with all branches of labour, but with a particular class only; it leaves twelve hours to males if above eighteen years of age, beyond which they were not to labour; but to the Clause—as I understand the change in the law which is to be effected by this Bill—it adds a provision as to women, that there restraint is not to cease at eighteen, but that at any age they are to be prevented from making their bargains for themselves. Why? Cannot a woman make a bargain? cannot a woman look after her own interests? is not a woman a being capable of understanding those interests, of saying whether or not she have stamina and strength to work? I am not talking of a delicate girl of eleven or twelve, or of a fair lass of eighteen, but you affix this disqualification on every age. Preadventure she will be forty, peradventure forty-five or fifty, yet the law says that a woman of forty is to be accounted as having no more idea of what is just and fit for her, no more capacity of taking her labour to market, and of managing her own affairs, or of care for her person, than at ten or five years of age, and must be taken to be an infant all the days of her natural life. I must say this is a step in the wrong direction, though it is liable to the argument brought forward by the skilful tactics of my noble Friend, who says, you have interfered once, and you must now in consistency take this additional step. This is one of the many miseries of the system of interference, that you are liable to be taunted with inconsistency if you will not push it to an extravagant length, and it is a natural consequence of interfering at all, that you are told you must take this further unjustifiable step in a wrong direction. That is the reason why I entirely differ from my noble Friend who spoke last, and entirely agree with my noble Friend opposite in objecting to make the matter worse by contracting the limit to ten hours. The working classes however, when their eyes are open to their real interest, will soon discover that if they work so many hours less, they must earn so many shillings less; and this will have the same effect on them as the operation which was performed in the other House had in inducing its Members to open their eyes. I do not agree with my noble Friend, that if there had been no such operation, the patient would not have recovered and the Government would not have obtained a majority. His recovery might not have been so rapid, nor the revolution in his system perhaps so sudden and thorough—I certainly did not calculate on a majority of 138. I calculated on 30 or 40: and I was extremely gratified, on seeing the division-list, to find I had guessed so near the truth, till I saw there was an unfortunate figure 1 to be prefixed which proved me wrong. My noble Friend says it was the act of the Government in staking their existence on the fate of the Measure which gave them the majority. Perhaps that alone gave them so great a majority; but I am perfectly certain they would have had a majority, even if no such observation had dropped from any one of the Ministers. I hope and trust that out of doors the struggle of the great leader of the Ten Hours' Bill men (*cries of* "name.") He is not in this House, but in the other. Will he not do much harm? We all know that this question has been made the subject of electioneering manœuvres, but I have such confidence in the good sense of Englishmen, that I am absolutely certain the delusion will rapidly pass away. I have felt it to be my duty, as the friend of the working classes, to trouble your Lordships with these observations, believing that the very worst thing that could be done would be to fetter their unrestrained liberty of action, instead of leaving them the masters of their own labour and the management of their own affairs. I protest entirely against the Bill to the extent to which I

have stated; but I still more strongly object to go one fraction of a step farther in so wrong a course; and, hoping that we may rather retrace our steps, I shall be satisfied with recording my opinions of its merits in your Journals, and shall not divide the House.

The Earl of *Winchilsea* said, he could not permit the second reading of this Bill to pass without offering a few observations to their Lordships. He quite agreed with a noble Marquess who had addressed the House, that this Bill would effect a great improvement in the existing laws affecting the labouring classes; but he deeply regretted that the limitation of the period of labour was not carried to the extent of ten hours. The ages of the children employed in factories generally ranged from thirteen to eighteen, and he did not think persons of that age could be regarded as free agents, for it was well known that they were frequently compelled to work by their parents. It was on this ground alone, that he thought the Legislature was justified in interfering with the labour of the manufacturing classes. The atmosphere in which the factory labourers worked was of a most pernicious nature, and having himself visited the manufacturing districts, and examined into the condition of the people, he was prepared to say that the atmosphere they breathed was extremely injurious to their health. To talk of comparing the condition of the agricultural and the manufacturing population was like comparing light with darkness. The agricultural labourer breathed pure and wholesome air—a blessing which was not enjoyed by the operatives in cotton factories. When in the manufacturing districts he had said, "Why don't you provide better ventilation? Look at the state of the children here. They are the very pictures of ill health, their constitutions destroyed by the atmosphere they breathe." The answer was, "It is impossible for us to give more complete ventilation. Look at these threads of cotton; if there is a breath of air in the place the whole manufacture will be destroyed." The Legislature of this country had, as he thought, most justly established the principle of interference, but he regretted they had not carried out the principle still further, and limited the period of labour to ten hours. That was the limit of labour in the case of the great body of the agricultural population. In the summer their hours of labour were from six o'clock in the morning to six at night, with intervals of an hour for breakfast and an hour for dinner. He was happy to say, that it had never been his lot to witness, among the agricultural population, such pictures as had been drawn that night by the noble and learned Lord (Lord Brougham). He was connected with three different counties; he was intimately acquainted with the state of the labouring population in them; and he defied the noble and learned Lord to show that such circumstances as he had described, or anything approaching to them, had ever existed in any of those counties. He was convinced, that if a comparison were drawn between the condition of the agricultural and manufacturing labourers —between the cottagers in the country and the population in crowded towns, it would be decidedly in favour of the former. He hoped the day would come when the manufacturers themselves would find it to their advantage to limit the hours of labour in the case of children and young persons between the ages of thirteen and eighteen—nay, in the case of women also—to ten hours. He believed, that if such a course were taken, such an improvement would be effected in the health of the people, that they would be able to perform as much work in ten hours, as they now performed in twelve.

Lord *Campbell* said, he would state, very briefly, the grounds on which he felt it his duty to support this Bill. He rejoiced that this Bill did not go further. He would not say, like his noble and learned Friend, that he thought the Legislature could not properly interfere on a subject of this nature; for he conceived there were cases when it was indispensably necessary that the Legislature should interfere to regulate labour. The Legislature had already interposed on this subject, as he thought, with beneficial results; and his ground for supporting the present Bill was, that he considered they could not safely go further than they had already done. Undoubtedly infants must be protected; if they were orphans they must be protected; even if their parents were alive they must be protected; for it was found that parents, forgetting their duty to their offspring, themselves became idle, living by the excessive labour of their children.

It was frequently necessary that the Legislature should interfere for the preservation of decency and morality. He had warmly supported the Bill which was introduced some time ago to prevent the employment of women in mines—a practice which induced extensive demoralization, and was attended with great oppression. He believed that mining operations were now carried on very successfully, although females were not allowed to work; and the women who used formerly to labour in the mines were now following useful and beneficial occupations. His noble and learned Friend (Lord Brougham) would have no interposition on the part of the Legislature. That noble and learned Lord had held the Great Seal in 1833, when the Bill passed through Parliament by which the period of labour in the case of women and children was limited to twelve hours; and that noble Lord knew full well, that when they forbade the employment of women and children for more than twelve hours, they prevented the employment of men beyond twelve hours, because factory labour could not be carried on without the assistance of women and children. The noble and learned Lord in 1833, being then a Minister of the Crown, supported the Bill by which the limitation of twelve hours was imposed. He did not, however, blame those who, having at that time opposed the extension of the limitation beyond twelve hours, were now disposed to fix the limitation at ten hours; because at that time it might have been dangerous to go further, and they might suppose, from their observation in the intervening period, that a greater extension might now be made with safety. They had had ten years' experience, and they could not be taunted with the sudden change of opinion which had been exhibited by the members of a certain assembly, who in the course of eight or ten days turned a complete summerset. But, judging from the information he had been able to obtain on this subject, he considered that they could not go beyond the limitation of twelve hours which was already fixed. He had made some inquiries on this subject, and he could not find any instance in which a limitation below twelve hours had been imposed upon labour, except in a certain country of which an account had been given by Sir Thomas More—Utopia The limitation in Utopia did not extend to ten hours; it was to six. He had translated very literally the Latin passages in More's work, which referred to the limitation of labour in Utopia, and if they could depend upon the statement of its effects there, they might be greatly encouraged to adopt a similar measure in this country, for, although the people worked only six hours, they yet managed to secure all the comforts and necessaries of life. "Nor is an Utopian severely worked," says More, "like a beast of burthen, from early in the morning till late at night. This would be worse than the life of a slave, although operatives are generally condemned to it, except in Utopia; but there, day and night being divided into twenty-four hours, they allot only six hours to labour,—three before noon, when they dine; and after they have reposed two hours, they work three hours more, when they sup. The rest of their time they employ in reading, hearing lectures, and in recreation and amusement. It might be apprehended, that from their working only six hours a day, a scarcity of necessary things might be experienced among them; but this is so far from being the case, that from the portion of time allotted to labour, they have not only a sufficiency, but a superfluity of all the necessaries and comforts of life." [Lord *Lyndhurst*: "I wish I lived in that happy land."] He had read of a person who doubted whether there was not some exaggeration in that account of Utopia, for he had heard from an Irish Bishop that he suspected Captain Gulliver had told a great many lies in his "Travels." If he could rely upon the statement of More he had just quoted, he might be prepared to support a ten hours' Bill; but till he could be persuaded that this was a true account, he could not think it safe to carry the limitation of labour beyond twelve hours.

The Earl of *Haddington* said, he could not help thinking, that as the postcript of a lady's letter sometimes contained the most important portion of her communication, so his noble Friend opposite (the Marquess of Normanby) had reserved his main object till the conclusion of his speech, when he had made strong observations on the conduct of Her Majesty's Government, and had indulged himself in an attack upon the large majority which had carried the Bill in the other House of Parliament. The noble Marquess had accused the Go-

vernment of great inconsistency. Now, he (the Earl of Haddington) was anxious to hear in what that inconsistency consisted. He had expected to hear, that some of those who had taken an eager part in the debate in the other House against the ten hours' principle had formerly been supporters of the limitation of labour to that period. But no such inconsistency had been shown on the part of Members of the Government. "But," said his noble Friend, "Her Majesty's Government were rather anxious to leave their Friends to give votes that might render them popular among their constituents, while they (the Government) trusted to the votes of their opponents in carrying this unpopular Measure." Now, he wished to defend the Government from the charge of having pursued such a line of policy. How could it be supposed that they would rely upon such a rotten reed? No proof of this charge had been offered; it rested merely on the assertion of the noble Marquess. It was undoubtedly embarrassing to the Government, to find their friends take the course they had—but what motive could they have for suggesting such a compromise? He thought a looser charge had never been brought against any Government. His noble Friend had said also that the Government were much to blame for having staked their existence as a Ministry upon the success of the present Measure. The noble Marquess could not have read the speeches of his right hon. Friends, Sir R. Peel, and Sir J. Graham, or he would have seen that they stated distinctly the grounds on which they adopted this course,—because they considered the Measure of the greatest possible importance, and they believed that a Ten Hours' Bill would be attended with the most ruinous results, to the manufacturing and commercial interests of this nation. Surely, if they entertained that conviction they could not justly be blamed for pursuing the course the noble Lord had so strongly condemned. If the Government were entitled to stake their existence upon any Measure, it was surely upon a Measure which they considered of vital importance, as involving the best interests of the country. The noble Marquess had also commented on the motives which had induced 130 or 140 Gentlemen in the other House of Parliament to vote with Her Majesty's Government on this subject. He considered the noble Marquess had pursued a course which was extremely invidious,—a course, which, if pursued in debate, was likely to create a sort of war between the two Houses of Parliament, and might have an unfortunate effect on their legislative proceedings. He considered that his noble Friend opposite had not made out any case against the majority in the other House. They must remember that the ten hours' question was taken up in the other House by a noble Lord of very high character, who had devoted great attention to the subject, and that that noble Lord was supported by Gentlemen who continued their support to the last; and it was therefore exceedingly natural, considering the topics on which those Gentlemen dwelt, that they should, in the first instance, have carried a vast number of votes with them. He must say, that the more consideration he (the Earl of Haddington) gave to this subject, the more satisfied was he with the strength and justice of the arguments by which the present Bill had been supported; and he believed, that supposing Her Majesty's Government had not staked their existence on the success of the Measure, they would have had a very considerable majority on the last occasion, when it was before the other House. He begged also to remind their Lordships, that when the question had previously been under the consideration of the other House, the Members of that House were very equally divided in opinion. He thought, considering these circumstances, that the noble Marquess opposite might have abstained from making the strong comments in which he had indulged upon the conduct of Government, and of the majority of the other House.

The Earl of *Minto* said, that he concurred in the objections which had been urged against this Bill. He objected to the measure on account of its interference with labour, and especially with adult labour. He thought, that if the Government attached so much importance to this measure, they had been somewhat negligent in not giving an intimation on the subject at an earlier period of the discussion.

The Earl of *Haddington* said, the noble Earl was one of those ingenious persons who extracted from a speech more than the speaker intended. He had purposely abstained from going into details, and of the speeches of the two noble and learned Lords, he could only say, that he much preferred that of the noble and learned Lord who spoke last.

The Marquess of *Normanby* said, he

had made no charge against the Government. What he had said, was, that it might have been convenient to the Government to enable their friends to redeem the pledges which they had given to their constituents at the hustings.

The Earl of *Fitzwilliam* was surprised the Government did not show the care to obtain a majority in the first instance which they took in the last; but he supposed they did not see such difficulty would have arisen.

Lord *Wharncliffe* said, noble Lords opposite had accused the Government of encouraging their friends to pledge themselves to popular Measures pending an election, and the election for the West Riding of Yorkshire had been especially referred to as a case in point; but it was not at all unusual for a father and son to be of different opinions. His (Lord Wharncliffe's) son's opinion was declared at the time of the election. It was then, and is now, extremely strong upon the subject of a Ten Hours' Bill. If he was not an agitator upon that subject, he certainly had encouraged popular feeling respecting it. He (Lord Wharncliffe) was one of Her Majesty's servants—one of those persons to whom the Government of the country was confided, and as such it was not only his duty to consult the feelings of those persons with whom he would always be glad to feel in unison, but to take those measures which he thought most conducive to the contentment of the country. The notion of limiting the hours of labour to ten hours had been put into the workmen's heads for very improper purposes. They were led to believe that they would get twelve hours' pay for ten hours' work, but he was fully convinced that they would only receive the pay due to ten hours. It was the duty of the Government to avert from the operatives the consequences of such a reduction in wages, and he was sure the time was not far distant when they would look upon as their best friends those who now opposed their wishes.

Bill read a second time, and ordered to be committed.

House adjourned.

HOUSE OF COMMONS,

Friday, May 20, 1844.

Minutes.] New Writ.—For Buckingham Borough, *v.* Sir Thomas Francis Freemantle, Bart,, Secretary at War.—For Chichester, *v.* Lord Arthur Lennox, Commissioner of the Treasury.

Bills. *Public.*—1°. Courts of Common Law Process; Courts of Common Law Process (Ireland); Courts Martial (East Indies); Charitable Loan Societies (Ireland); Vestries in Churches.

Reported.—Gold and Silver Wares.

3°. and passed:—West India Relief, etc.

Private.—1ª. Eastern Counties Railway Validity; Marquess of Ailsa's Estate.

Reported.—Liverpool Docks (re-committed); Harrowgate and Knaresborough Railway; Edinburgh and Glasgow Railway; Edinburgh, Leith, and Granton Railway; Slamannan Junction Railway; Rother Levels Drainage; Manchester and Leeds (Bradford Branch) Railway; Manchester Royal Infirmary, etc.; Cwm, Celyn, and Blaina Iron Company; Stratford (Eastern Counties) and Thames Junction Railway; Southampton Marsh Improvement; Swansea Harbour.

3°. and passed:—Whitehaven and Maryport Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway; Ashton, Staleybridge, and Liverpool Junction Railway.

Petitions Presented. By Mr. M. J. O'Connell, Kerry County, for Repeal of the Union.—By Sir R. H. Inglis, from Deanery of Pimperne, against Union of Sees of St. Asaph and Bangor.—By Mr. Escott, from a Society, by Mr. Scholefield, from St. Bride's, Fleet Street, against Renewal of Bank Charter.

Standing Orders — Railways.] Mr. *Gladstone* moved, that so much of the Fourth Report of the Select Committee on Railways as relates to the alteration of the 33rd Standing Order be adopted by the House. In stating the reasons which had induced the Committee to recommend these alterations, he was sure that the House would allow him to move the adoption of them before the evidence upon the subject was laid upon the Table of the House. The reasons upon which he asked the House for its support in this manner, were, first, that the whole matter was one rather of general policy than of evidence, and, secondly, and equally with the former, that that change was one which affected in a most vital degree the proceedings of projectors, and one which it was most important to make known to all parties to Railways, both in England and Ireland, with a view to the prosecution of them. The changes which the Committee proposed in the Standing Orders were two. They thought that the amount of deposit to be made by Railway projectors ought to be reduced from 10*l.* per cent. to 5*l.* per cent., and the second change which they proposed was, that that portion of the Standing Order should be omitted which required that three-fourths of the shareholders should be parties to the deposit. As to the second of these changes, he did not think that there could be any doubt as to its propriety, first, because the Order had never been hitherto complied with, and then, because it was

obvious it never could be carried out hereafter, inasmuch as the shareholders in a Railway scheme were a large body, and it was impossible that they could all meet to determine who among their number were to become parties to the deposit, while one quarter of their numbers were to be exempt from responsibility. In proposing alterations in these Standing Orders, he did not wish to cast the slightest imputation upon them. It might be, that when they were passed they were the best that could be made, and he was convinced that they had produced most beneficial effects. They had performed the object for which they were intended, because their operation was this,—that so far the House had the guarantee it ought to obtain from the parties to a projected Railway that the scheme was a *bonâ fide* one. As to the persons by whom the money was advanced, that was a matter of private arrangement made by those having the command of capital. So far as the establishment of liability for a certain amount of money went, that was a secondary point. Upon the other side, however, these Standing Orders had produced very prejudicial effects. The House was aware, that Railway speculation proceeded by fits and starts; that in times of prosperity, they were projected in multitudes, and that at periods of commercial depression few were undertaken. It was thus desirable that upon occasions like the latter such speculations should not be oppressed by the difficulties of raising capital. He was willing to allow that the effect of these Standing Orders, which were passed for the purpose of checking bad speculation, had been to put a stop to schemes well grounded in themselves, at a period when trade was depressed. The disadvantage of this was very great, because they effected a restriction on speculation at a time when anything promising to stimulate the demand for labour would tend most materially to revive public confidence. As far as regarded the Railways of this year, and the parties presently concerned, he had not heard of any general speculation to which the changes contemplated would not prove desirable and do good. It might be asked, "What security have you that Railway schemes such as you would protect shall really be entered into?" but it would be remembered that he did not propose to remove the check altogether, but to lessen it; so that if a proper speculation was not intended to be carried into execution, the restriction would be one of the best and severest punishments that could be applied. At the same time he was bound to say, that if it were not for the particular circumstances connected with the Dublin and Cashel Railway, he should have been inclined to postpone making these alterations for other Measures which would be necessary very soon, in order to institute an examination upon Railway Bills more systematic than any hitherto practised. Probably there would be danger in such alterations, but the House would probably prefer doing so to trusting in future years to the same unregulated way of proceeding upon Railway Bills as prevailed at the present moment. He would not now enter into an explanation to the House as to the nature of these Measures, because their precise character was then occupying the attention of the Committee which the House had appointed to inquire into Railways in general; but this he would say, that some method for examining such schemes with a view to the great interests of the public ought to exist and was requisite. It was, therefore, that he ventured to put it to the House, that they might proceed, as far as they safely could, to part with a portion of a security which was taken in the form of a deposit. The propositions which he had made would assimilate the proceedings upon Railway Bills in that House to the method pursued in the House of Lords, and he was aware that that method had not been adopted without the most careful consideration. Indeed it was notorious that the regulations of the Upper House on such points had been formed with great caution, and on that account, if on no other, the change proposed carried with it considerable weight. It had been suggested that parties instead of depositing money, might be allowed to deposit Exchequer bills and other securities, and it seemed to be the impression that the deposit money remained in an unfruitful state while so placed. But such was not the fact. There was nothing in the enactments of Parliament which prevented the investment of these deposits in the public securities after the deposit had been made. The right hon. Gentleman concluded by moving, that the Standing Order 33 be repealed.

Order, No. 33, read, and repealed.

The right hon. Gentleman then moved,

"That previous to the presentation of a Petition for a Railway Bill, a sum equal to one-twentieth part of the amount subscribed shall be deposited with the Court of Chancery in England, if the Railway is intended to be made in England; or with the Court of Chancery in England or the Court of Exchequer in Scotland, if such Railway is intended to be made in Scotland; and with the Court of Chancery in Ireland, if such Railway is intended to be made in Ireland."

Mr. *Hume* said, that he had listened with great attention to the observations that had fallen from the right hon. Gentleman, but, looking at the great evils which the Standing Order was intended to prevent, he doubted the propriety of abrogating it. He was not aware, from the notice of the right hon. Gentleman, of the extent to which he intended to go, and he confessed that he did not see why greater facilities should be offered to speculators of this kind than to others. As a proof of the necessity of the present Standing Order, a case had been proved before the Committee in which 100 labourers had received 5*s.* each for signing five different names, subscribing 5,000*l.* in order to make the list for the prospectus; and that was not at all a solitary case. He thought that 10*l.* per cent. was not too large a deposit to require, and he had great doubts as to the propriety of making exceptions of the kind as to Railroad Bills. He asked, before assenting to the proposition of the right hon. Gentleman, for the production of the evidence which had been taken before the Committee, and he would move the postponement of the discussion on the Standing Order, until the House had that evidence before it.

Mr. *Labouchere* professed his inability to add anything to the reasons which had been so ably stated by the right hon. Gentleman for the proposed alterations. He agreed with his hon. Friend the Member for Montrose, that when these undertakings were little understood, when the wildest speculations were entered into, such precautions were necessary.; but now matters of that kind were better understood, and these deposits tended only to prevent *bonâ fide* undertakings from proceeding. He fully concurred in the observation of the right hon. Gentleman, that it was most desirable that enterprises of this nature should not be subjected to unnecessary restrictions.

Sir *R. Peel* admitted, that the House was not bound by the recommendation of the Committee; but still, when the House committed certain points to the decision of appointed Members, their recommendation, though not binding, deserved the respectful consideration of the House. The Committee was composed of Gentlemen admirably qualified to decide upon the subjects before them, and they had the advantage of deliberating carefully concerning it. He (Sir R. Peel) was therefore prepared, upon this view, to give his vote agreeably to the recommendation of the Committee. But he took another ground upon this occasion. These propositions, if successful, would have a material effect upon a project, the completion of which would be of the greatest advantage to Ireland. If the difficulties raised by the Standing Order ceased, the impediments to the formation of a railway between Dublin and Cashel would be removed. This railway had been undertaken without a grant from Government; it had been undertaken by men of a very different party in politics, and it would be of great advantage to have men differing in every other way, combining and co-operating in an object of this kind. It was desirable that the undertaking should be proceeded in without delay, and, if successful, he did not doubt that it would have a most important effect as an example, as it would be the means of inducing men in Ireland to turn their attention to similar enterprises. He did hope that the House would have the satisfaction of seeing the Royal Assent given to a Bill for the formation of a railway between Dublin and Cashel before the close of the Session.

Mr. *V. Smith* complained that the right hon. Gentleman, the President of the Board of Trade had not, in his Notice of Motion, stated his propositions fully. The House had been told that the Standing Order was no longer necessary, but they were not told what it was that had rendered it so. If the alteration was advisable in the case of the Dublin and Cashel Railway, it might be made for that particular case, but no general rule should be laid down to regulate all future railway schemes, without examining the evidence upon which the Committee founded its recommendations. He would, upon these grounds, vote with the hon. Member for Montrose.

Sir *R. Ferguson* said, that keeping the Order as it at pretent stood was a practical

fraud. He would, therefore, support the Motion of the right hon. Gentleman opposite (Mr. Gladstone).

Sir *R. Peel* said, he would vote for the Motion of his right hon. Friend, independently of its operation on the Dublin and Cashel Railway Bill; but its effect on that measure would be an additional reason for supporting it.

Lord *H. Vane* thought the House ought to have some further information on the subject, in order that it might know the grounds on which the Committee had made this recommendation. He would suggest that the discussion should be postponed until such information was produced.

Mr. *Warburton* was also of opinion that further information should be laid before the House, before the discussion was closed. The Standing Order in question was calculated to prevent gross abuses in private Bills, and ought not to be suspended except for very grave reasons.

Mr. *Hume* moved, as an amendment, the adjournment of the discussion, until the evidence taken by the Committee was laid on the Table.

Mr. *Gisborne* said, that great pains had been taken by the Select Committee to get full information on the subject, and the House might rely on it that they had abundant evidence as to the expediency of suspending the Standing Order before they recommended that course. If this discussion were now put off, it might be to the end of the Session. The amount of deposit as proposed by the Motion was, he considered, quite reasonable, and sufficient to guard against abuse.

Mr. *Gladstone* would admit the general principle, that before consenting to any proposition of a Select Committee the House ought to have before it the grounds on which that proposition was made; but there was quite enough in this case to make it an exception to that principle.

Mr. *Hume* would not press his amendment. If the House was determined to act foolishly he would not stand against it.

Amendment withdrawn. Original Motion agreed to.

Ordered that the said Resolution be a Standing Order of the House.

SECRET ASSOCIATIONS — CANADA.] Mr. *Hume* wished to ask a question of the noble Lord, the Secretary for the Colonies, on a subject to which he had called his attention in an early period of the Session. It related to a Bill which had been passed by the Legislature of the Canadas, and had been sent over here for Her Majesty's Royal Assent. The Bill was a measure relating to Secret Associations in Canada. On the occasion of his first question he was informed that the Bill had not then arrived in this country. What he wished to know now was, whether the Bill had since received Her Majesty's Assent?

Lord *Stanley* said, that the Bill had reached this country, but could have no validity until the sanction of Her Majesty was given to it; and, under all the circumstances, he did not deem it right to advise Her Majesty to assent to it.

TEXAS.] Mr. *Hume* wished to know whether the right hon. Baronet at the head of the Government would object to lay on the Table of the House Copies of the Correspondence between the American Minister and the British Government on the subject of the annexation of Texas to the United States? Such Papers would be important, as they showed by our exertions on the subject of slavery, an attempt on the part of our Government at interference in the internal affairs of other countries.

Sir *R. Peel* was not prepared to lay on the Table any correspondence with America on the subject of the annexation of Texas.

Mr. *Hume* wanted only that part of the correspondence which related to what he considered the interference of Great Britain in the internal affairs of another country. The documents to which he referred had been already made public in America.

Sir *R. Peel* repeated, that he would not consent to the production of any of the documents referred to. If they had been already made public, the hon. Member could have access to them. Her Majesty's Government would not follow the example set by other countries, in the publication of such documents in the newspapers.

BANK CHARTER—THE CURRENCY.] Sir *R. Peel** in moving the Order of the Day for the House going into Committee on the Bank of England Charter Acts, said; Sir, I should feel very unwilling to interpose any observations of mine, before the com-

* From a Corrected Report.

mencement of the discussion on the Resolutions which I am about to move, and would content myself with moving at present, that the House do agree to those resolutions, if I did not think it would be for the convenience of many Members who are likely to take a part in the discussion, and for the benefit of the discussion itself, that I should make some explanations on particular points, with respect to which, I think it probable that questions will be asked. I, therefore, think it better to anticipate many of those questions and give to them in a connected form the answers which I must give separately, if they are separately put. It was necessary, as the House will bear in mind, for Her Majesty's Government to frame their Measure, and for me, as the organ of that Government, to make the statement which I submitted on the 6th of May, without the advantage of communicating with parties whose opinions on such a Measure as that which we proposed were justly entitled to great weight. Entire secrecy, however, in all matters calculated to affect the currency, was absolutely necessary; and, however much we might feel disposed to confide in the honour and integrity of many individuals, yet, we thought it advisable to forego the advantage of private communications; and, having formed our opinion on the evidence taken by Committees and on public documents within our control, to submit our views to Parliament. If, after the public explanation of these views, and after the opportunity afforded to us of hearing the opinions of others, we had seen reason to modify our own, we should have no hesitation in doing so. But nothing has occurred during the interval which has elapsed which induces Her Majesty's Government to vary, in its leading principles, the plan announced by me on the 6th of May. There are, however, points of detail, in respect to which I have explanations to give and modifications to propose. I will first refer to that part of the plan which concerns the Bank of England and its connection with the Government. The House will no doubt recollect, that when I proposed the plan on the 6th of May, I suggested to the House, that it might be desirable that the Bank of England should make its issues upon securities and upon bullion, — partly on the one and partly on the other; that the amount of securities on which issues should be made should be limited to 14,000,000*l.* and that the remainder of the issues of the Bank should take place on bullion alone, the amount of that additional circulation being subject to the influence of the exchanges. At the same time, I foresaw a case in which it might be consistent with the principle of the proposed Measure, and in which it should be perfectly legitimate, that the Bank of England should add to its issue upon securities. Assuming the circulation of the Joint Stock Banks and of the country Banks to be about 8,000,000*l.* at the present time, it is possible, either through the occasional failure of some of these establishments, or from the voluntary liquidation of their accounts, or in consequence of an agreement with the Bank of England, that some portion of their existing circulation may be discontinued. Suppose the country circulation to be 8,000,000*l.*, and that in consequence of voluntary agreements or other causes it should be diminished by one-half, to 4,000,000*l.*; in that case, it might be perfectly fit that the Bank of England, in order to supply the void thus created, should issue Bank of England notes, and that that issue should in part take place upon securities. I proposed originally, that the Bank of England should not be permitted to increase its issues upon securities except after communication made to the Government, and with the consent of three Members of the Government— the First Lord of the Treasury, the Chancellor of the Exchequer, and the President of the Board of Trade. I did not reserve that power of increasing the issues upon securities, from any distrust of the great principles which I laid down; I did not propose that power of interference on the part of the Government in order to meet any possible, but unforeseen contingencies; but in order to meet, *bona fide*, a particular case; namely, the cessation by issue by Banks other than the Bank of England. On consideration of that part of the plan, I think it would be advisable, if possible, to prevent all direct interference in this matter on the part of the Executive Government. At the same time, I do not think it would be advisable to give to the Bank an absolute power by law to increase its circulation upon securities, in every case of the withdrawal of country notes without exception. I can foresee cases wherein a void may be created in the country circulation, without a corresponding necessity for an increased

issue upon securities. Take the case at present: the Bank is possessed of a great amount of bullion, not less than 16,000,000*l.* The banking department of the Bank of England will be possessed of not less than 30,000,000*l.* of bank-notes, 14,000,000*l.* issued on securities, and 16,000,000*l.* on bullion; a great proportion of these bank-notes will necessarily lie dormant in the coffers of the banking department, because it is not probable that more than 22,000,000*l.* can be made available for the supply of the legitimate demands of commerce. Supposing then, a void to be created (in the county of Cornwall for instance), a void of, say 200,000*l.*, by the withdrawal of country notes in circulation, I am not at all prepared to say that the Bank of England ought at once to increase its issue of notes upon securities. Why should not the country banks apply for some portion of the dormant notes in the Bank of England to supply this void, receiving from the Bank a per centage on the issue of Bank of England notes? If it should be desirable to issue fresh notes on securities, then the Bank should have the means of issuing them; but I do not think it advisable that, under all circumstances, the supply of the void should be provided for by the increase of issue on securities. I propose to reconcile these two objects in a manner which appears to me unexceptionable, avoiding any direct interference on the part of the Executive. I propose in the preamble of the Clause, to recite distinctly what are the grounds which, in the opinion of Parliament will justify an increased issue by the Bank on securities; these are, the failure of a country bank, the voluntary withdrawal by a country bank of its issues, or an undertaking by a country bank to abolish its own circulation upon the condition of being supplied with Bank of England notes. The recital of this in the preamble will manifest the intentions of Parliament. I propose, then, that the Bank, if it should desire to make an increased issue of notes upon securities, should not be allowed to do so except upon permission given by Her Majesty in council, such permission to be published immediately afterwards in the *London Gazette.* I prefer this course to giving the Bank an absolute power, at its own unfettered discretion, to increase its issue of notes upon securities. I am certain that, while the present management of the Bank continues, that power would not be unduly taken advantage of; but still it is advisable to guard against the possibility of abuse. I propose, therefore, not to permit the increase of securities except with the sanction of the Privy Council, and except, also, on the express condition that the amount of additional securities shall not exceed two-thirds of the amount of issue, the remainder of the issue taking place upon bullion. There is another point of great importance connected with the issues of the Bank of England, to which I did not direct the attention of the House on the last occasion. The question is, what shall be the definition of "bullion," as the foundation of issue? Shall the Bank be required to issue notes upon gold coin or gold bullion alone? or shall the Bank be permitted to issue notes in exchange for silver as well as gold? Hitherto, silver has always been included in the return of bullion made by the Bank. "Bullion" includes not merely gold coin of our mint, but gold in bars, foreign gold coin, and also silver. Shall we restrict the issues that are to take place upon bullion exclusively to gold, or shall issues be permitted upon silver; and, if permitted, to what extent? A rigid adherence to principle would seem to require that gold alone should be the foundation of issue; that the amount of notes should fluctuate with the influx and efflux of gold. But I doubt whether we may not permit at least a partial issue of notes upon silver, without any departure from principle, and with great convenience to commerce. I propose, of course, to require that the obligation to pay notes in gold, and to issue notes in exchange for gold, shall remain in full force. The Bank must pay its notes in gold at the rate of 3*l.* 17*s.* 10½*d.*, and must issue notes in exchange for gold, receiving the gold, if it be bullion, at a certain estimated rate, so much less than 3*l.* 17*s.* 10½*d.*, as shall be sufficient to cover the expense of coinage; the rate will probably be 3*l.* 17*s.* 9*d.* per ounce. If an issue on silver be permitted, that issue must be with the voluntary consent of the party offering silver or receiving silver in exchange for notes. The reasons in favour of permitting the issue on silver with such consent are these:—The facility of exporting silver in preference to gold, when such export is expedient, is the true remedy against the inconvenience of our

standard differing from that of other countries; and unless the circulation department is allowed to issue against silver, that inconvenience might occasionally be severely felt. So long as a silver standard is not recognised and silver coin is used only as tokens under 40*s.*, no quantity of silver likely to be in the Bank can affect the standard value of the gold sovereign: but the sale of that silver may save useless coining of sovereigns, and answer the same purpose. Silver generally arrives from America, and latterly from China, in large amounts, and at pretty regular periods. If the Bank is restricted from purchasing that silver, it will always be bought by merchants, who will export it immediately, the principal demand being for the Continent. No capitalist will find it to his advantage to hold it, the variations in price seldom, if ever, compensating him for the loss of interest. When the exchange is low, and the price of silver high, this export acts advantageously in liquidation of payments due to foreign countries; but when the exchange is high and silver low, the silver will sell at a lower price than if the Bank were allowed to buy it, and it will be exported solely for the purpose of bringing back gold, the expense of the export of the silver and the import of the gold being an actual loss on the transaction. The practice of the Bank has been to buy bar silver at 4*s.* 11$\frac{1}{2}$*d.*, and dollars at 4*s.* 9$\frac{1}{2}$*d.*, which at the French mint prices is equal to buying gold at 77*s.* 9*d.* When the exchanges have fallen, and there has been a demand for remittances to the Continent, the Bank has sold the silver, and such sale has answered all the purposes of gold, has left a small profit to the Bank, and saved the expense of exchanging silver for gold. An unnecessary export of silver, that is, an export when it is not required to rectify the exchanges, causes a momentary rise in the exchange, which again falls back to its original rate so soon as the operation is ended. This momentary rise in the exchange, so long as it lasts, is prejudicial to all parties who may have to draw bills upon the Continent in payment for goods and other exports. A stock of silver in the Bank is convenient to our trade, particularly with India and China. Merchants often require that metal as a remittance, and would have to send to the Continent for it at a greater expense, if they did not find a supply at the Bank. But if the Bank is absolutely restricted from the issue of notes upon silver, the stock of silver retained by the Bank will be a very limited one, as it will not answer the purpose of the Bank to purchase silver and hold it as a part of its assets in the banking department. For these reasons, I am inclined to propose that the Bank shall have the power of issuing notes on the deposits of silver. There should, I think, be a limit to the extent to which this issue shall be allowed. If we provide that the amount of silver on which issues may take place shall not exceed one-fourth of the amount of gold—(for instance, if there be four millions issued upon gold, permitting an issue upon silver to the extent of one million)—we shall probably ensure the maintenance of such a stock of silver as may give facilities for rectifying the exchanges and supplying the demands of commerce, and incur no risk of infringing upon that principle which will impose a positive obligation upon the Bank to receive gold in exchange for notes, and to pay notes in gold coin on demand. These are the only points on which I have any explanation to offer so far as the Bank of England is concerned. I proceed to points connected with the affairs of Joint Stock Banks and private banks. It is proposed that every bank now exercising, *bonâ fide*, the privilege of issue, or rather, I should say, which did exercise it on the 6th of May last, should be permitted to enjoy that privilege within certain limits; that in the case of each bank, the bank-officer should make up an account of the amount of issues for two years preceding the 6th of May, 1844, and that in each case the average amount of such issue should be the maximum of future issue. It is proposed that each bank shall make a return to the Stamp Office of its daily issues; that this return shall be made on some day in the week following, to be named by the Stamp Office, and that the average amount of issues during the preceding week shall not exceed the maximum which the Bank is allowed to issue. Originally, it was proposed that the issue of no single day should exceed the maximum: but in order to prevent the attachment of penalties to an inadvertent excess of issue on some one particular day, it will be more convenient to take the average of the weekly issue, and to require that that average shall not exceed the maximum. There are some

cases in which, within the period of two years, there has been a union of banks, in which one bank has purchased the business of another bank—the goodwill of the concern; and in such a case, if we take the average amount of the issues of the surviving bank for two years, that might not be perfectly fair, because the present amount of united issue might greatly exceed the amount which would appear upon the average of the single bank for the period of two years. In the Bill, therefore, I shall provide for cases where there has been a union under contract and written agreement, upon that contract and written agreement being furnished to the Stamp Office. Our wish is, to reconcile the establishment of a great principle to existing interests, with as little danger and inconvenience as possible. I have been asked what I propose with respect to branch banks—"May Joint Stock Banks now in existence add to the number of their branches?" My answer is, They may: but they must not upon that account increase the maximum of their circulation They may transfer business from an existing branch to another branch hereafter to be constituted, but in no case must the transfer lead to an increase of the maximum of permitted circulation. We know the total maximum at present to be about 8,000,000*l.* That is about the amount of issue in England and Wales, calculated upon the average of the last two years; and we intend, as far as we can, to give to the Bank of England, which is to have controlling power over issues, the assurance that in no case can that aggregate amount be exceeded. I have been asked this question—"Supposing there should be now two private banks with three partners each: will you object to the consolidation of those private banks, and the carrying on of the joint concern as one private bank with six partners? and what would be the amount of issue in that case to which the united bank would be entitled?" I do not propose to prevent such a consolidation; and I consider that the united bank should have the power of issuing an amount of notes equal to the aggregate amount of the two banks when separate. In respect of branches, the law requires amendment. I doubt the policy which some banks have pursued of establishing very numerous branches. I doubt whether banks having fifty or sixty branches —some in very small towns, renting expensive houses, and appointing agents with considerable salaries—can derive profit from such a course. It is the great competition which exists, and the desire to monopolise the circulation, which has probably led to it. The law, however, offers no impediment: it rather encourages the extension of branches, because the law requires the payment of duty for four branches, and no more: that is to say, a joint-stock bank taking out a license for four branches has the power to establish an unlimited number without any further payment. Now we will not object to the establishment of new branches, but we propose to require payment for the license for each new branch that may be established. I propose, therefore, if any bank establishes a new branch, that it shall be required to take out a fresh separate license, the cost of which amounts to about 30*l.* I have also been asked, "Do we propose that joint-stock banks shall have the liberty to purchase up the right of the circulation of private banks?" We are willing, so long as the character of the institution is not changed, to admit the consolidation; but we do not propose to permit a joint-stock bank to increase its circulation by purchasing the right of issue of a private bank. I have been asked, again, "Will you permit the substitution of partners? will you allow the son to be placed in the position of his father?" I say, certainly. We can give no guarantee as to the continuance of this privilege of issue. We think Parliament has a perfect right at any time, if the privilege be abused, to apply an immediate remedy. So long, however, as the present system exists, we advise the House not to attempt a vexatious and unnecessary interference with these concerns. We should therefore permit the substitution of the son for the father as a partner. We are of opinion, also, that to permit the entrance of a new partner into a private bank may be advantageous to the public as well as to the bank itself. A wealthy man may be desirous to add his capital and his responsibility to the bank; and to such a course we oppose no objection. It is said, "Suppose the admission of new partners be carried to such an extent that the character of the partnership should be totally changed; suppose there be six new partners instead of the six old ones; will you permit this wholesale substitution?" We recommend that we should

not make the attempt to prohibit it by law. Such a substitution may seem an abuse of the conceded privilege of issue; but we deprecate any thing like unnecessary and vexatious intermeddling. It would be easy to evade any enactment intended to prevent extensive substitution of partners. There is an important stipulation which we propose to make with the Bank of England, and which we think to be just to other banks. Some of those banks have inquired whether we would permit the discontinuance of the arrangements made by them with the Bank of England for the issue of notes of the Bank of England, and the substitution of a corresponding amount of their own notes, thus increasing the issue of their own notes beyond the average of the two years. We do not propose to permit that exchange of notes. We do not propose that any bank, having entered into an arrangement with the Bank of England, shall be allowed to discontinue the Bank of England notes and to resume their own notes; but, if we refuse that to the private bank, we should give that private bank a guarantee that the Bank of England will grant the accommodation of Bank of England notes upon as favourable terms as it was before held. We propose, with the full consent of the Bank of England, that any bank wishing to relinquish its connexion with the Bank of England may have the power of doing so; but it shall not, in that case, be allowed to resume its own issues. If, on the other hand, it wishes to continue its connexion, the Bank of England shall be compelled to continue the supply of Bank of England notes upon terms not less disadvantageous than the present. I must here advert to a change which the Bank is about to make in its arrangements in respect to the issue of Bank of England notes by other banks. These arrangements are at present of a twofold nature. Some banks are allowed by the Bank of England a commission of 1 per cent. on the amount of notes actually in circulation; others are permitted, as an equivalent for a 1 per cent. commission, to open a discount account with the Bank, and to have bills discounted at 3 per cent. for an amount varying between certain prescribed limits. The Bank proposes to discontinue the discount account, and to act with respect to all banks on one uniform rule, making an allowance to each of 1 per cent. on the amount of Bank of England notes actually issued. I do not think there is any other point of importance with respect to which I have explanation to offer; and here, perhaps, I ought to close, and permit the House to proceed to discussion upon the resolutions. But I am told that my chain of argument the other night was incomplete; that there was no necessary connexion between my premises and my conclusions; that I did not show the necessity of interfering with the circulation of joint-stock banks or country banks; that I did not establish the policy of giving an increased control to the Bank of England over other banks. Now I am not conscious that any link in the change of argument was wanting. I attempted to show that competition amongst the issuers of notes was a bad principle—that the same arguments which support competition in the supply of other articles did not apply to the supply of paper currency. I attempted to show that where there is an unlimited number of issues, there is no feeling of individual responsibility; and that no man, whatever his desire might be, would sacrifice his interests for the public good, when he knew that his neighbours would not follow his example. I also attempted to show, from the admission of the representatives of issuing banks, that their practice was at variance with the principle which ought to regulate a paper currency; that there was no reference to the exchanges; that, as it was once said by a private banker, "there is no more regard to the exchanges than to the snow upon the mountains." I attempted to show, from the same admissions, that increased prices led to increased issues; that there might, therefore, be a stimulus to speculation at the very time when there ought to be discouragement. I cited the example of the United States, for the purpose of proving that competition in issue, though controlled by unlimited responsibility of partners, and by the promised convertibility of paper into coin, was no security against insolvency of banks and general derangement of all monetary transactions. If, however, there be any who consider the proof defective, who think sufficient ground has not been shown for checking the privilege of issue, and increasing the control of one central authority over the paper currency, I shall be glad to fortify my position by additional arguments. If the example of the United States be not

admitted as a rule for us, I am quite content to look at home, and to examine the results of our own system on our own interests. I will endeavour to prove to you conviction, from the domestic experience of twenty years, that now is the time when, if you are wise, you will take security against the unlimited competition in issues, will increase the control of one superintending Bank, and will prevent alternations and vicissitudes in that medium of exchange which is to regulate the value of every article in this country. Let us review the several periods occurring within the last twenty years, when there has been a derangement in the monetary affairs of the country, and when, in order to maintain the convertibility of paper into gold, there has been the necessity for sudden contraction of issues. There have been, I think, four such periods—in 1825, in 1832, in 1835-36, and in 1838-39. Let us see in three of these periods what has been the action of the country banks. In November, 1823, the bullion in the possession of the Bank was 13,760,000*l.*; in November, 1825, it was reduced to 3,012,000*l.* If the principle of a metallic standard and the doctrine as to the variation of paper with the state of the exchanges be admitted, there ought to have been a considerable decrease in the amount of paper. But it is estimated that between November, 1823, and November, 1825, there was an increase in the amount of country bank paper of from 4,000,000*l.* to 8,000,000*l.* Again, on the 1st of January, 1834, the bullion in the Bank of England amounted to 9,948,000*l.*; in 1837 it had suffered a diminution of about 6,000,000*l.*, being reduced to 4,071,000*l.*, while the country bank circulation had increased from 10,142,000*l.* in 1834, to 11,031,000*l.* in 1837, and in the middle of August, 1836, when you were at the very verge of the crisis the country bank circulation was actually 12,000,000*l.* On the 26th of June, 1838, the bullion in the Bank was 9,722,000*l.*; in June, 1839, it was reduced to 4,344,000*l.*, and the country bank circulation, instead of being diminished, was again increased. It amounted to 11,740,000*l.* when the Bank had 10,000,000*l.* of gold, and it was increased to 12,725,000*l.*, when the Bank had only 4,300,000*l.* of bullion. Surely these facts, taken in conjunction with the admissions of the country bankers as to the principles on which their issues are regulated, are decisive proofs of defects in our present system of currency. I do not mean to say that country banks or joint-stock banks were alone responsible for the events that occurred at those periods. I do not defend the conduct of the Bank of England throughout the whole of those periods! but assigning to the Bank its full share of the responsibility, there is abundant evidence that the principle of unlimited competition, that the increase of issue with the increase of prices, that the unwillingness or inability to regulate the issue of paper by a close observance of the state of the exchange, is fraught with danger. I do not underrate the importance and value of the banking establishments of this country. They are most useful instruments for facilitating the distribution and profitable use of capital, according to the wants of the community, enabling those who require the temporary advance of capital to procure it on the most advantageous terms from those who can supply it. I do full justice to the integrity and high character of the great majority of those who are connected with these establishments. But, if there be defects in the system on which they act, it is our duty to apply a remedy: if there has been an abuse of the privilege of issue; if great losses have been sustained by innocent parties, both as shareholders in joint-stock banks, as depositors, and as the holders of promissory notes of private banks, which have become insolvent—we are bound to take whatever precautions legislation can provide against the recurrence of such evils. Can we review the history of private banks within the last thirty or forty years, and deny the necessity for legislative interference? In the years 1814, 1815, and 1816, the failures of country banks amounted in number to 240. The number of Commissions of bankruptcy was 89. The lamentable occurrences of 1825 and 1826 must be fresh in the recollection of many of us. With regard to the last few years, a return has recently been laid before the House, which demonstrates the necessity for legislative interference. I hold in my hand a return of the number of private banks which became bankrupt in the years 1839, 1840, 1841, 1842, and 1843, with the amount of dividends paid, so far as the same can be ascertained. The following is the result:—

Year.	Number of Bankruptcies.	Of which were Banks of Issue.	Number that paid Dividends, and Amount of Dividends.
1839	9	—	1 under 5*s.* 1 under 10*s.* 7 no dividend.
1840	24	8	2 under 5*s.* 4 under 10*s.* 1 under 15*s.* 17 no dividend.
1841	26	11	5 under 5*s.* 6 under 10*s.* 1 under 15*s.* 1 under 20*s.* 13 no dividend.
1842	12	4	2 under 5*s.* 9 no dividend. 1 div. not ascertained.
1843	11	6	2 under 5*s.* 1 under 10*s.* 1 under 15*s.* 1 under 20*s.* 6 div. not ascertained.

With respect to the bankers who have become bankrupts, I have before me returns furnished by the Bankruptcy Office, from which I have made extracts. They refer to failures which have taken place since the 1st of January 1839 and give, in some cases, the amount of the assets, in others the causes of failure. The failures to which these extracts apply were ten in number. The names of the concerns I do not mention.

Estates of Bankers who have become Bankrupts, from the 1st of January, 1839, to the 1st of April, 1844.

Cause of Failure.

In No.

1. Speculation on Spanish Bonds.
2. Banker a spirit merchant; the spirit trade was obliged to pay much more than its whole profits to the family of the banker's father, and acted as a drain upon the bank.
3. Advances to the partners, and bad speculations entered into by more than one of the partners.
4. Loss on Railway Speculations.
5. The bank had been insolvent for many years. Loss by bad debts, 145,600*l.*
6. The banker succeeded to a considerable property, mortgaged his estate, overdrew his private account with the bank, issued promissory notes to the amount of 14,000*l.*, bearing interest to depositors of small sums among the humble classes of society, 5,590*l.* of promissory notes payable to bearer on demand.
7. This bank had been insolvent for many years. Lost large sums in a sugar refinery, and 67,000*l.* in a commercial house at Glasgow.
8. Uncle and nephew partners. In the course of eleven years the nephew dissipated 100,000*l.* of the partnership assets. The uncle died in 1838, leaving a large fortune among his relations. The nephew committed suicide in October, 1840, when the frauds were discovered.

Estates.

9. Liabilities 157,960*l.* Dividend none. Assets 20*l.*
10. Date of fiat 12th July, 1842. No dividend yet made. Bankrupt had certain race-horses from which the sum of 750*l.* 5*s.* was netted.

Surely the conclusion we must draw from the details to which I have referred, both with respect to the frequent failures of banks, and the loss and suffering entailed upon their creditors, is in favour of legislative interference. It is said that the banks which failed were not in all cases banks of issue; but I propose, not merely a check upon the privilege of issue, but an amendment of the law under which banks not being banks of issue are constituted. Should these measures receive the sanction of Parliament, they will not, in my opinion, limit the extent of legitimate accommodation which banks can afford to those who are engaged either in manufactures or in agriculture. I know that it is supposed by some that the issuing power of country banks is intimately connected with, and essential to, the maintenance of agricultural prosperity; and that the paper of the Bank of England cannot be made to serve the purposes to which country paper is applied. Now, let it be remembered, that in a very extensive district surrounding the metropolis, the circulation is in a great measure composed of Bank of England paper. In a circular area round London having a radius of sixty-five miles, the only competitors in issue with the Bank of England are certain private banks. That area includes a very extensive and important agricultural district. It includes the counties of Middlesex, Essex, Kent, Surrey, Hampshire, Oxfordshire, Hertfordshire, Buckinghamshire, Bedfordshire, Cambridgeshire, with a great part of Suffolk and of Northamptonshire. Now, it appears, from the returns made to the Stamp Office, that throughout this great agricul-

tural district the total amount of the circulation of private banks is only 1,329,000*l.* The whole of the remainder of the circulation is supplied by the Bank of England. In some also of the chief manufacturing districts of this country the paper of the Bank of England constitutes almost the exclusive medium of exchange. I mention these facts for the purpose of quieting the apprehension that such a restriction as that which I propose, upon the issues of country paper, will unduly lower the prices of agricultural produce, or diminish the legitimate accommodation which the dealers in capital and money can afford to the trader or the agriculturist. It is said that the Bank of England will not have the means which it has heretofore had of supporting public credit, and of affording assistance to the mercantile world in times of commercial difficulty. Now, in the first place, the means of supporting credit are not means exclusively possessed by banks. All who are possessed of unemployed capital, whether bankers or not, and who can gain an adequate return by the advance of capital, are enabled to afford, and do afford, that aid which it is supposed by some that banks alone are enabled to afford. In the second place, it may be a question whether there be any permanent advantage in the maintenance of private or public credit, unless the means of maintaining it are derived from the *bonâ fide* advance of capital, and not from a temporary increase of promissory notes issued for a special purpose. Some apprehend that the proposed restrictions upon issue will diminish the power of the Bank to act with energy at the period of monetary crisis and commercial alarm and derangement. But the object of the measure is to prevent, (so far as legislation can prevent) the recurrence of those evils from which we suffered in 1825, 1836, and 1839. It is better to prevent the paroxysm than to excite it, and trust to desperate remedies for the means of recovery. I now commit these measures to the consideration and judgment of the House. They will be thought by some to fall short in the practical application of the principles on which they are founded; by others, probably, to effect too hasty and extensive an alteration of the system which now exists. By the great majority of this House, I trust, they will be deemed a safe and just compromise between conflicting considerations, reconciling the establishment of sound principles with a fair and liberal treatment of private interests. The right hon. Baronet concluded by moving the first of the following Resolutions:—

1. That it is expedient to continue to the Bank of England, for a time to be limited, certain of the privileges now by Law vested in that Corporation, subject to such conditions as may be provided by any Act to be passed for that purpose.

2. That it is expedient to provide by Law that the Bank of England should henceforth be divided into two separate departments; one exclusively confined to the Issue and Circulation of Notes, the other to the conduct of Banking Business.

3. That it is expedient to limit the amount of Securities upon which it shall henceforth be lawful for the Bank of England to issue Promissory Notes payable to Bearer on demand, and that such amount shall only be increased under certain conditions to be prescribed by Law.

4. That it is expedient to provide by Law, that a weekly publication should be made by the Bank of England of the state both of the Circulation and of the Banking Departments.

5. That it is expedient to repeal the Law, which subjects the Notes of the Bank of England to the payment of Composition for Stamp Duty.

6. That, in consideration of the privileges to be continued to the Bank of England, the rate of fixed annual payment to be made by the Bank to the Public shall be 180,000*l.* per annum, and shall be defrayed by deducting the said sum from the sum now by Law payable to the Bank for the Management of the Public Debt.

7. That, in the event of any increase of the Securities upon which it shall be lawful for the Bank to issue such Promissory Notes as aforesaid, a further annual payment shall be made by the Bank to the Public over and above the said fixed payment of 180,000*l.* equal in amount to the net profit derived from the Promissory Notes issued on such additional Securities.

8. That it is expedient to prohibit by Law the issue of Promissory Notes payable to bearer on demand by any bank not issuing such Notes on the 6th day of May 1844, or by any bank thereafter to be established in any part of the United Kingdom.

9. That it is expedient to provide by Law, that such banks in England and Wales as on the 6th day of May, 1844, issued Promissory Notes, payable to bearer on demand, shall continue to issue such Notes, subject to such conditions and to such limitations as to the amount of issue as may be provided for by any Act to be passed for that purpose.

10. That it is expedient to provide by Law for the weekly publication of the amount of Promissory Notes, payable to bearer on demand, circulated by any bank authorised to issue such Notes.

11. That it is expedient to make provision by Law with regard to Joint Stock Banking Companies.

Mr. *C. Wood:* * Sir, It is not without considerable hesitation, that I venture to present myself to your notice at the very commencement of this debate. I trust, however, that the circumstance of my having, by the kindness of the Gentlemen who formed the Committees on Banks of Issue in the years 1840 and 1841, being placed in the Chair, during their investigations, may, in some degree, be my excuse for presuming to address you thus early. One of the considerations which has induced me to do so, is the wish to avoid even the appearance of an adverse discussion with any of those Members of the Committee from whom I differ in opinion, but to whose support I was so much indebted during our protracted inquiry. It might perhaps be difficult to avoid it, if I waited until they had spoken. I will not, Sir, occupy your attention with any further apology, but will proceed at once to the consideration of the subject of our present debate, the importance of which it is, in my opinion, impossible to overrate. It is a subject in which every member of the community is interested. We are about to legislate for the regulation of the currency, by which as a standard the value of all commodities is measured, which forms the medium of exchange in the transfer of all commodities, which enters into commercial transactions of the greatest magnitude, in which millions are invested, and affects the purchase by the labouring man of the articles which form his daily consumption. Indeed, I had almost said, that it was as much for the interest of the poorest artizan, as for that of the wealthiest merchant, that the principles by which our currency is regulated should be sound, and the application of them certain. I am very glad that the right hon. Gentleman, in the able address with which he prefaced the question now before the Committee, laid down the principles by which, in his opinion, the currency should be regulated. It was, I think, highly necessary, that the assertion of them should be placed in the very foreground of our discussion. The last occasion when the general principles of currency were debated in this House was in the year 1819; and in the quarter of a century which has elapsed since that time, progress has been made in the science which should guide us in these matters, as advances have been made in all other sciences both moral and physical. We have had considerable experience of the working of the present system. Various phenomena have disclosed themselves. Powerful minds have been applied to the investigation of these phenomena. Conclusions have been drawn from them, by which the opinions heretofore entertained on such subjects, have been in some degree changed or modified. Opportunities like the present, for revising our legislation on the monetary system of the country, occur only periodically, and it is in my opinion, most important that on such occasions the advance which has been made in the interval should be marked, and the principles on which the monetary system of the country is to be founded should be laid down by high authority in the Legislature. Nor, indeed, do I know how we can judge of the merits of the plan of the right hon. Gentleman, unless we have a clear conception of the end to be aimed at. His plan is calculated to attain a certain object, and unless we know on what principle the paper circulation of the country is to be regulated, we cannot judge whether the scheme proposed is likely to answer the purpose for which it is intended. I am sure that no one who has read, as it was in a great measure my duty to do, any number of the frequent pamphlets which have teemed from the press upon this subject, can avoid having been struck by the utter confusion which has pervaded the discussions, from the absence of any agreement on the principle which should regulate the currency. The Bank of England has been attacked on one principle, and defended on another. So have the country issuers; and the result of all the arguments one way or the other has frequently been most unsatisfactory, because the various disputants were aiming at different ends, and tried the conduct of the banks by different tests. It is also the more necessary to lay down the principle on which the Measure is to be founded at the outset, because it is clear that the real difference of opinion will not be on details, will not be on any minor point; if I may say so, on any minor principle, but will, in fact, be on the great fundamental principle of the strict adherence at all times to a

* From a Corrected Report.

metallic standard. The Act of 1819 commonly known by the name of the right hon. Gentleman opposite, which restored our currency from the depreciation of the suspension of cash payments, determined, I apprehend, three things.—1st. The re-establishment of a metallic standard. 2nd. That the standard should be of one metal; and that metal, gold; and, 3rd—it determined the rate at which gold should be coined. Upon the first point every body was agreed, and rendering the notes convertible into coin at the will of the holder was supposed to be enough to attain this object. The other two points were the subject of more difference of opinion. The right hon. Gentleman has to-night expressed his hope that Parliament will not attempt to depart from the single gold standard, and in that hope I cordially concur, as I can foresee much mischief and confusion, and no advantage which could arise from doing so. I am aware that a double standard of both gold and silver has been advocated by high authorities; but I must say, with very inadequate arguments. It would introduce great uncertainty into our metallic circulation, which at one time might be chiefly of gold, and at another time of silver. Besides all the inconveniences of the change, the nation would, on each alternation, be put to the expense of a new coinage. The two metals continually vary in their relative value to each other, and as it became more advantageous to demand one than the other, the amount of the first in the country would be increased, and the other would be exported. We have the best proof of this from experience. It actually happened in the reign of James I. At that time this country had a double standard. In the early part of his reign the gold coin had been exported, and a very small quantity of it was left in circulation. He raised by proclamation the value of the gold coin; and the effect I will state, quoting from the treatise on coins, by Lord Liverpool:—"It is observed by Mr. Munn that this last raising of gold did bring in great store thereof, more than we were accustomed to have in the kingdom; but that it carried away all, or the most part, of our silver." In the next reign, it is mentioned by Rushworth that very great inconvenience arose from the scarcity of silver. An alteration in the market price of gold and silver might produce the same effect as is here described. First, gold was exported, whilst the silver remained; and then all the silver was carried away, and the gold brought back. Throughout nearly all the last century, there was by law a double standard in this country, though the circumstance of the market price of silver being above the mint price for the greater part of the time, prevented its being carried to the mint to be coined; and, when, towards the close of the century, the market price of silver fell, and some silver was brought to the mint to be coined; the Legislature interfered and passed an Act of Parliament to suspend the further coinage of silver. Since the restoration of cash payments, the Government of this country has not restored silver as a standard, from a due sense of the inconvenience which past experience shews to have resulted from the double system. There is more to be said for a single standard of silver. It has been adopted as the standard in most other countries. There might be some advantages in having the same standard as those nations with whom our chief commercial intercourse exists, but none, I think, which would justify a change. Gold has been, as I have already shewn, practically the standard of this country, since the commencement of the last century. It was better, therefore, to restore that standard which had prevailed so long. The chief advantage of a standard is its being as nearly invariable as possible. Gold is, I believe, upon the whole, more invariable in value than silver, and is, therefore, better adapted for this purpose. This circumstance alone is a sufficient reason for adhering to our present standard of gold. I believe, however, that most of the advocates of a silver standard have recommended the adoption of it, with the view of effecting some gradual depreciation. There is no doubt that, looking back for some centuries, silver had fallen in value considerably as compared with gold. In the time of Henry IV. gold was reckoned to be to silver as 1 to 10; Elizabeth 1 to 11; James I., 1 to 12; Charles II., 1 to 14; and at present 1 to 15 and a fraction. It is evident, therefore, that if the standard of this country had been silver during the whole of this period, the metallic currency would have been more depreciated than it has been with the gold standard. It is, however, very questionable at present, whether the value of gold may

not be expected to fall more than that of silver. The annual supply of gold, according to the most recent calculations, exceeds the annual consumption, and this must ultimately diminish the relative value of that metal. According to the calculations in the recent edition of M'Culloch's Dictionary of Commerce, the annual supply of gold from America, Europe, and the Russian Empire, amounts to 9,050,000*l.* The consumption in the arts, &c., is calculated at 6,050,000*l.*. from which one-fifth must be deducted, as probably supplied by the fusion of old plate, leaving 4,840,000*l.*; to this must be added 1,600,000*l.* for the annual consumption in wear and loss of coin, making together 6,440,000*l.* for the whole annual consumption of gold. There remains, therefore, an amount of 2,610,000*l.*, which is annually added to the stock of gold. Part may be sent to the East; but at any rate, the quantity of gold is increasing annually; and it does not appear that this is the case with silver. I do not myself believe that such an addition as this will for years produce any very perceptible diminution in the value of gold; neither am I an advocate for depreciation; but it is well that those who advocate a silver standard with such views, should be aware, that their object might not be attained by changing the standard to silver. The third point in 1819 was the rate at which gold should be coined. It was then determined that the old standard should be restored, of 3*l.* 17*s.* 10½*d.* per ounce. This is the common, though not a very correct way of stating the fact. The standard unit in our currency is the pound sterling; and the correct mode of stating what the standard is, would be to say, that the pound sterling was the value of 5 dwts. 3·274 grains of gold of standard fineness. This is, at the present time, the legal standard of this country, and by that, I trust, we shall abide. No doubt, some hardship was inflicted by the restoration of cash payments on those who had borrowed in a depreciated currency, and were compelled to pay their debts when the value of the pound was increased. I will not go into that question, because it is confined to those who borrowed between 1797 and 1819, to part of the National debt, and, perhaps, to some existing mortgages. With respect to all transactions begun since 1819, it evidently is a matter of perfect indifference what the standard is. They have been commenced, carried on, and concluded under one and the same measure of value, and no hardship whatever has arisen from this cause, to those who have engaged in them. I do not, however, anticipate much opposition or even discussion, on these two latter grounds. Of all the witnesses who appeared before the Committees on Banks of Issue, one gentleman, and one alone, gave evidence which was in favour of an alteration of the standard; that was the hon. Member for Birmingham, (Mr. Muntz). He proposed a considerable alteration of the standard: I will read his proposal to the Committee;—he said, in answer to questions which were put to him:

"I should substitute such a standard as would keep the price of corn at the necessary price to produce remuneration to the farmer and rental to the landlord.

"The remunerating price of corn, (he stated), depended very materially on the liabilities of the landlords."

And he subsequently said that his proposal involved

"A depreciation of the standard to the extent of 50 per cent."

I cannot say that I am much alarmed at this proposition, because I doubt whether any person can be found to agree with the hon. Gentleman; perhaps one of the twin authors of the Birmingham Letters may do so; but I do not believe that he would find a seconder in this House, who would recommend to Parliament a depreciation of the standard on grounds so uncertain, and to so enormous an extent. We return then, to the greater question, whether we are to adhere at all to a metallic standard; whether a standard pound is to be 123 grains and a fraction of gold of a certain fineness? or something else not very easily defined? It is admitted that an over-issue of paper may affect the standard; and the practical question may be stated to be, whether an unrestricted issue of paper, subject only to convertibility, will prevent an over-issue, will preserve the standard as invariable as the nature of things will admit; or, whether it is necessary, by some further regulation, to enforce more constant identity between the value of the pound in paper and coin, with that of 123 grains of gold, the standard pound. The former opinion is held by those who advocate what they call by the specious

name of "free-trade in banking." Now, to free-trade in banking, distinguishing the business of banking from the practice of issuing notes, I am as friendly as they can be: but I cannot concur in their doctrines as to the mode of regulating the paper currency of the country. It is the fairest way always to state a doctrine in the words of its advocates; and I will, therefore, quote some of the answers of Mr. Gilbart, the manager of the London and Westminster Bank, a very intelligent witness who appeared before us, and displayed great practical knowledge of banking business. He advocates the doctrine of free trade in banking, with a view to the maintenance of an invariable standard. He says—

"I wish the circulation of the Bank of England, like that of the country banks, to be regulated by the demands of trade, for I think it necessary to keep the standard of value at as fixed and invariable a rate, as far as can be, as the yard measure, or the bushel measure."

"I consider that when the circulation is issued only in compliance with the demands of trade, though it will fluctuate in amount as the quantity of commodities fluctuate, or as circumstances may cause an advance of prices, yet it will not in that case fluctuate as a measure of value."

He was then asked—

"But what test do you apply to ascertain whether your currency has fluctuated in value or not?"

His answer was—

"I judge of it by the circumstances in which it is drawn into circulation."

In this exposition of the doctrine of free-trade in banking, the necessity of an invariable standard is maintained; and their mode of preserving it invariable is pointed out. It is only required in order to prevent an over issue of paper from affecting the standard, that the notes should be issued in compliance with the demands of commerce. This doctrine is firmly held by all country bankers as to their own issues, and in a recent pamphlet of Mr. Tooke, it is asserted as strongly of the issues of the Bank of England. Mr. Tooke holds, indeed, that the notes should be convertible; and Mr. Gilbart, in another part of his evidence, speaks of convertibility operating as an unseen cause to prevent excess: but it is difficult to see where any notion even of convertibility enters into the only condition necessary to prevent over-issue—namely, an issue to meet the demands of trade. Now this was precisely the doctrine held by the Bank of England during the suspension of cash payments. It was then maintained that so long as their paper was issued on good mercantile security, in compliance with the demands of commerce, it was impossible that there could be an over-issue, or a depreciation of the standard. Nobody now entertains a doubt but that there was an over-issue of Bank paper, and that the over-issue produced a depreciation during that period. Those who maintain the doctrine of free-trade in banking, at the present day, offer no better security than existed then, and if their views should be adopted, we should have, therefore, no security at all against over-issue and depreciation. But we are not without experience as to the value even of convertibility, as a safeguard for the preservation of the standard. Let us look to experience in this country, and still more to that of the United States of America, and we shall see what has been the effect of unlimited competition in issues, and free-trade in banking, subject only to convertibility, in maintaining the standard, and preventing ruin and national bankruptcy. In America the convertibility of bank notes is a fundamental article of the Constitution; provisions more stringent than in this country are enacted to enforce it in practice; every precaution is taken to render the banks safe and sound. They are all joint stock banks, with limited liability and restrictions on issues, paid up capital, and whatever other precautions can be devised for this purpose. I am indebted for this statement to the pamphlet of my hon. Friend the Member for the Tower Hamlets (Sir W. Clay). What has been the result? In the year 1830 there were 329 banks, with a capital of 145,000,000 dollars, circulation 61,000,000 dollars. In seven short years, on the first of January 1837, there were 677 banks, besides branches, with a capital of 378,000,000 dollars, and a circulation of 186,000,000 dollars. The number of banks had more than doubled, their issues had been more than trebled, and the result is concisely summed up by my hon. Friend—

"In May of that year, cash payments were suspended throughout every State in the Union."

There was an end, of course, of any

maintenance of the standard of value, and wide-spread ruin desolated that country from one end to the other. Let us now turn to what occurred in England in the year 1839. We were not quite so far from such a state of things, as at this hour, when the danger is past, we are apt to imagine. A heavy drain of gold had gone on for some months, and had brought the Bank treasure to a very low point. It was only checked by an extraordinary operation on foreign credit by the Bank of England, to the full amount of the bullion which remained in its coffers. It was an operation which brought this country into some discredit abroad, but it prevented the exhaustion of the treasure of the Bank. I do not mean that the Bank might not have done so by other measures, or that under almost any circumstances the Bank may not maintain the convertibility of its notes against the danger arising from a foreign drain, but it might be by measures of such severity, as would entail the most calamitous consequences. The drain, however, was stopped by this measure of the Bank. It was owing to the great resources and power which the Bank possesses that they were enabled to do so. I believe it to have been owing to this alone that we were saved from the evil consequences which might have occurred in this country, from an over-issue of paper, as they did in America, where this check and controlling power of a central issuer did not exist. We were, nevertheless, brought into a state which justly caused the most serious alarm for the safety of our monetary system. The advocates of these doctrines attribute little or no importance to large issues of paper, but it is not a little remarkable, and well worth their attention, that immediately previous to the two last drains of bullion, the aggregate circulation of the country had reached an amount before unknown, at least as far as the returns go back. The first of the two drains began, to any serious extent, in the spring of 1836, and for the first time since 1833 the aggregate circulation exceeded 39,000,000*l.* in April of that year. The second drain in like manner commenced, seriously, towards the close of 1838; and again, for the first time since 1833, the aggregate circulation had exceeded 40,000,000*l.* in October of that year. No doubt, in both cases, there may have been other more immediate causes for the commencement of the drains; but looking to what has taken place in other countries, and at other times, it is impossible to believe, that the immense amount of paper circulation at those periods did not materially contribute to produce, and also to prolong the evil. It seems, therefore, both by the experience of America and of this country to be proved to demonstration that mere convertibility is not enough to ensure a practical maintenance of the standard, and that further regulations are necessary for this purpose. There are some persons who, feeling the difficulties of adopting adequate regulations, have advocated either a currency exclusively metallic, or a reserve of bullion so large, as to neutralize one of the great advantages of paper money. It would be exceedingly absurd, however, to conclude that, because an ill-regulated paper circulation has produced some evils, the use of paper money is not a great and permanent benefit. It is enough to mention its convenience and cheapness; and on these grounds alone, it is one of the greatest improvements o modern ages to substitute, to a considerable extent, a paper for a metallic currency. The real question to be solved is, how to regulate the quantity of the paper circulation, so as to keep its value identical with what the value of the metallic currency would be. It is not necessary, perhaps, that a paper circulation should be of precisely the same quantity, as the metallic currency, which would be required, if the paper did not exist, because the greater convenience of paper money may render it possible that the same functions shall be performed by a less quantity of paper as easily as by a greater quantity of gold or silver. If this be so, still the amount of the paper would in this case be in some definite ratio to that of the gold or silver. The question, however, as to the regulation of quantity relates mainly to the fluctuations in the amount of the circulation from time to time, according to the varying demands of trade and commerce. The essential point is, that in all these fluctuations the quantity of the paper should so vary as to preserve its value in the same manner as would occur in a metallic circulation. It is evidently important, with the view of ascertaining how this can be effected, that we should know what it is that determines the quantity of a metallic circulation. It must

necessarily vary in amount, according to the different wants of the community at different times. What is the principle, then, which maintains the proper quantity at all times? I will suppose the simplest case, when everybody may obtain coin for bullion, free of charge, as in England, and where there is no obstacle to melting the coin. It is obvious that in such a state of things, everybody who feels the want of more coin must carry a certain quantity of bullion to the Mint. In order to obtain a greater quantity of the circulating medium, he must make a *previous* sacrifice of a certain amount of capital in order to procure it. By making that sacrifice he can obtain as much as he requires. Every individual can best judge for himself whether it is most for his advantage to retain that portion of his capital to be employed with a view to profit, or to convert it into coin for the purpose of facilitating the exchange of the commodities in which he deals, and of aiding his general commercial transactions. His own interests will induce him to sacrifice as much of his capital for this purpose, as is necessary for his business, and no more: on the other hand, any individual who possesses more coin than is necessary for carrying on his trade, may convert it from its state of coin, and apply the capital again to profitable employment. This is, of course, true of the whole community, as of individuals: and with a metallic currency, or indeed with any currency possessing intrinsic value, that object is attained by the self-interest of the community, which no law and no discretion can accomplish; namely, the precise quantity of money required for the wants of the community is practically and at all times determined. If the increasing demands of commerce require a larger amount of circulating medium, it is for the interest of the community to divert a larger quantity of their capital for this purpose, and to procure the bullion from the supply in the market: if, on the contrary, the state of trade is such as to require less, a portion of the coin is withdrawn, and applied as any other commodity for the purposes of commerce. One of the advantages of a paper currency, is the saving effected to the community, to the extent that a cheap material like paper, can be substituted for the precious metals; and that amount of capital rendered available for profitable employment. But unless a paper circulation is subjected to the same limitation on its issue, as exists in the case of a metallic currency, the variations in its amount will not conform, as those of the metallic currency do, to the wants and demands of the community. In order to do this, the variations should correspond in time and amount with those which would have taken place in a circulation consisting of the precious metals. It is obvious that convertibility alone will not ensure this. Convertibility provides, indeed, the means of taking out of circulation a quantity of paper already in excess; but it imposes a very imperfect check on putting too much paper into circulation. No doubt, there is the fear of the ultimate consequence, the fear of having, some time or another, to provide for the amount of paper issued. This feeling, however, has reference rather to the solvency of the party, and the extent of his capital, than to the quantity of circulating medium which is wanted. It has already been shown that convertibility is not an adequate security against over-issue. The increase of notes therefore ought to be subjected to the same check as operates on the increase of a metallic circulation, that is, a previous sacrifice of capital in a deposit of bullion, to the extent of the increase of paper. This will not prevent either an increase or decrease of circulation, according to the varying demands of trade, or according to the natural rise and fall of prices. Prices will rise as before, and the rise will be accompanied by an increase in the circulation, but that increase will not go beyond what is legitimately called forth by the rise from natural causes. Prices will not be unduly forced up by an over-issue of paper, or unduly kept up by the same means, till in the end a fall takes place to an extent disproportionate to the real state of trade, and unnecessarily severe in its pressure. I cannot imagine any other means, by which the proper quantity of circulation for the country, can be determined, than by this self-regulating principle, depending on the interest of every individual in the community. The discretion of the Government cannot do it; nor the discretion of the Bank of England, nor the discretion of all the banks together. The rate of interest has often been taken as the test of excess or deficiency in the amount of circulation. It has in fact nothing to do with it. It shews whether capital is abundant or not,

whether there is much unemployed capital or little to be had in the money market; but it is no criterion whatever as to the amount of the circulation. Nothing can prove this more completely than the fact that at various periods a low rate of interest has existed with a low circulation, and a high rate of interest with a high circulation. Thus,

"During the period of the Bank Restriction, when there was no question that the amount of issues produced a depreciation of from five to twenty per cent, the rate of interest was high.'

It fell when cash payments were resumed, and the Bank issues were reduced. I am quoting a statement from Mr. Norman's pamphlet.

"In 1822, 1823, and 1832, the general circulation was low, and the rate of interest was low also. Towards the end of 1824, and the beginning of 1825, and again in 1836, anterior to any contraction, and when confessedly the circulation was very high, the rate of interest rose."

It is needless to say more to prove that the rate of interest is no index of the amount of circulation. It seems, then, to me, to be beyond dispute that the only course which will properly regulate the issues of paper-money is, not only to make it convertible, but to require, previously to any increased issue, a deposit of bullion. This ensures a variation in its amount to the same extent, and at the same period, as would take place in a metallic currency, and secures at the same time all the advantages which undoubtedly belong to a circulation composed in great part of so cheap and convenient a material as paper. It is, Sir, almost unnecessary to say that such has not been the system on which the paper circulation of this country has been regulated. Up to the year 1819, it was avowed by the Bank that they could see no reason for any such course, as a reference to the state of bullion, or to the exchanges. Even later than that period it was held in the Bank parlour, as it is by many even now, that to issue paper on good commercial security was all that was necessary to ensure a proper amount of paper being in circulation. In 1832, immediately previous to the last renewal of the Bank Charter, a new rule was laid down, commonly called the rule of 1832. It made an approach, though in appearance more than in reality, to sound principle. The affairs of the Bank being in a proper state (and they were so in 1833), the securities were to be kept even in amount; "the circulation of the country, so far as the same may depend upon the Bank, being subsequently regulated by the action of the foreign exchanges." Nothing could sound better than this. It was a perfect rule for the management of issues, but was utterly inapplicable to a bank which was a bank of issue, and also of deposit. This has been so ably demonstrated by authority much higher than mine, that I will not add an argument on the subject. Indeed, the most convincing proof, is the fact, that from the time of the promulgation of the rule in 1832, up to the period of our inquiry, in 1840, in no one single year did the Bank ever adhere to their rule. There were invariably some special and extraordinary circumstances which caused a departure from it. In 1834 and 1835, there were the East India Company's loan, and the West Indian loan; in 1836 and 1837, the advances in support of credit, and the subsequent running off of the commercial securities then taken; in 1838, the wilful exportation of gold to the United States; in 1839, the discredit and drain; in every year there was some such cause or another, and, as I have said, in no one single year did the Bank adhere to its rule. I, by no means, blame them for doing so, far from it; the fault was in the rule, which was not applicable to a bank which received deposits. Of course if these deposits increase, they must invest the greater portion of them in securities, and thus the securities increase without any reference to the circulation; and if the deposits are withdrawn, the securities must decrease likewise. It is, however, very remarkable, how utterly the rule was practically departed from, if the variations in what had been called "the elements of the Bank's position" are examined. It is notorious that the amount of circulation and securities, &c. varies a good deal in each quarter, owing to the payment of dividends. There is, however, in the Appendix to the Report on Banks of Issue in 1840, a return of the average circulation, securities, &c. in each of the quarters of the year. This statement will convey a fair impression of the conduct of the Bank, because each quarter embraces a period of payment of dividends. The return begins with the first quarter of 1832, and ends with the first quarter of 1840, a period of eight years, during which, according to some of

the Directors, the rule was in full operation. In that period the difference between the highest and lowest amount of deposits was, 12,384,000*l.*; securities, 10,804,000*l.*; bullion, 8,178,000*l.*; whilst the difference between the highest and lowest amount of circulation is only 3,334,000*l.*; the securities which were to have been kept even, varied to the extent of nearly 11,000,000*l.* and the circulation which ought to have varied with the influx or efflux of bullion, varied only to the extent of rather more than 3,000,000*l.* The result of the action of the Bank was to keep their circulation even, and to let their deposits, securities, and bullion vary. I repeat, Sir, that I do not mean, or wish to blame, the conduct of the Bank Directors for this. On the contrary, they were perfectly right in departing from their rule; but the consequence is, that there has been, and is, no rule at all for the regulation of their issues. I believe that the Bank has always been more acted upon than active. Their rule arose out of their practice in ordinary circumstances, when there was no pressure upon them; and as soon as extraordinary circumstances came, it was found utterly impracticable, and they very properly departed from it. The measure of the right hon. Gentleman takes away all discretion from the Directors as to the issues, and therefore it is altogether unnecessary to go further into the past conduct of the Bank. I will only say, that the more we inquired into the conduct of the Directors in the management of the Bank affairs, the more I was convinced of the injustice of the greater part of the charges which had been made against them; I was convinced that whatever they did, they did in the belief that it was for the best for the public interest, and above all I believe that they have not been swayed by any considerations of their mere private interest. It is true that what they believed to be for the benefit of the public was often at the same time for their own private advantage, but I entirely believe that they were actuated by their conviction of what the public interest required. I must beg, Sir, also, in commenting upon the conduct of the country bankers, to be understood as not intending to express my blame of their conduct. They acted upon no rule, they did not profess any. The witnesses who were examined denied that they had any control over their circulation, and of course they had it not in their power, according to their own view, to act upon any rule. Mr. Hobhouse said, in answer to a question on the subject, "we never pretend to exercise any power over the circulation." Mr. Stuckey also gave an answer to the same effect. He was asked, "what determines the amount of your circulation?" His answer was, "The demand for it." And Mr. Rodwell, a very intelligent banker at Ipswich, was also asked a similar question, "Do you conceive that the amount of your issues is regulated only by the demand of your customers for the purpose of transactions in agriculture?" To which he answered, "Solely by that, and by the demand of our other customers in their ordinary affairs." It is quite unnecessary to push the proof further. The country bankers generally disclaimed all reference to the exchanges, and Mr. Stuckey, the only one who professed ever to regard them, declared that he did not see how he could regulate his issues with reference to them. The result therefore is, that neither the Bank of England nor the country bankers acted upon any rule or principle in their issues. They answered the demand for their notes on such security as satisfied them. I will not trouble the Committee at length upon the effect of such a system, I will merely read to them a summary account of the management of the circulation during the last drain in 1838-9, which appeared in a pamphlet published in the early part of 1840. The account was compiled from quarterly statements of the amount of circulation, and is therefore subject to some slight corrections which are, however, immaterial as to the accuracy of the general result, and I shall quote therefore the words of the pamphlet. It appears from this table that

"The bullion was at its maximum in March, 1838, and continued to decrease steadily from that time. The Bank circulation and the aggregate circulation continued to increase largely till September, 1838. The country issues continued to increase largely till June, 1839, and it is remarkable that they were at their minimum point, when the bullion was at its maximum (March 1838) and they advanced to their maximum point, whilst the bullion was undergoing a decrease of 60 per cent., (June 1839). Whilst the bullion is reduced uninterruptedly from 10,000,000*l.*, to 2,800,000*l.*, that is, 72 per cent., the aggregate circulation is reduced very irregularly, less than 500,000*l*, *i. e.* under 2 per cent. Even

that reduction is effected only in the last quarter. From March 1838 to June 1839, the aggregate circulation is increased 850,000*l.*, or nearly 3 per cent, whilst the bullion is diminished 5,660,000*l.* or nearly 60 per cent."

Can anybody wonder, that under these circumstances this drain was so severe and so prolonged, and I need say no more as to the utter absence of all principle and all rule in the management of our circulation. I will not enter at present into the management of the issue of the Scotch and Irish banks, they are not included, except in a very trifling degree, in the present proposal of the Government. I apprehend that their issues were, generally speaking, managed much upon the same system as those of the bankers in England, as indeed is evident from the Scotch and Irish witnesses whom we examined. This, then, being the state of things up to the present moment, it will not be maintained that the existing system has carried out what I believe to be the sound principles of currency, which the right hon. Gentleman laid down in his speech, and on which I have attempted to state, though very imperfectly, my own views to the Committee. It remains to be considered what regulations should be adopted by the Legislature for the purpose of carrying those principles into practical execution. Sir, I believe that the simplest and most advantageous mode of doing so, would be by adopting a national issue for the whole kingdom, managed by public officers, but not dependent on the Executive Government. Their duty would simply be to exchange notes for bullion, and bullion for notes. The public would have the guarantee of the nation for the greater part of the notes, and the remainder would be issued upon bullion. The amount of notes would vary, precisely as the amount of a metallic circulation would vary. The nation would enjoy all the profit from the issue of paper, instead of being put to the expense, as at present, of defraying the cost of coinage; nor have I ever heard any argument to show that the privilege of issuing paper money, as well as of issuing metallic money, ought not as properly to be reserved to the State. Both seem to me, in principle, to stand on the same footing; and this is undoubtedly the plan which I should prefer. At the same time, I am not insensible to the advantages of working with known machinery, especially at the time of attempting a great change. It is a very important object to conciliate those parties who might have strong reasons for opposition, and to reconcile bodies interested in the old system, to co-operating in bringing the new one into play. These advantages are all attained by the plan of the right hon. Gentleman, whilst it is based on sound principle, and, as far as it goes, carries that principle into effect. It is avowedly imperfect, for it does not extend to the circulation of Scotland or of Ireland, but it places that of England on a proper footing; and the right hon. Gentleman is fully entitled to the credit of having brought forward an eminently practical and practicable plan. He has availed himself of the most favourable opportunity that has occurred for years. There never was a time so remarkably favourable for any plan of this kind. The great amount of disposable capital, the large stock of bullion, the low rate of interest, are all circumstances which combine to lessen any difficulty which might arise in effecting so great a change in the monetary system of the country, and to prevent any of that pressure, which some persons, needlessly, I think, anticipate. The right hon. Gentleman has truly described this measure as the complement of the Act of 1819; and amongst the many claims which the right hon. Gentleman possesses to distinction, none will afford him greater satisfaction, than that his name will be identified with the two great measures for restoring our currency, and placing it upon a proper basis. The plan of the Government divides the Bank of England into two departments, one of issue and one of banking, perfectly distinct from each other, and under different management. The banking department is to be, as it ought to be, perfectly unfettered in its operations, subject only to a weekly publication of its accounts. The debt of the Government to the Bank, of 11,000,000*l.*, and 3,000,000*l.* of saleable Government securities, making altogether 14,000,000*l.*, are to be transferred to the issue department, and 14,000,000*l.* of bank notes are to be issued to the banking department on this security; all notes beyond this amount are to be issued only on the deposit of bullion. There is an exceptional case, of a power to issue notes on the deposit of securities, under particular circumstances, to which I will advert by-and-bye. The amount of country

bank-notes, is to be limited to the average of the last two years, which is about 8,000,000*l.*; so that the aggregate circulation of England and Wales will be a fixed amount of 22,000,000*l.*, and everything beyond that will be issued only on bullion deposited, with the free power of demanding notes for bullion, and coin for notes. The system will be as perfect as possible for this part of the Kingdom, and in strict accordance with sound principle. The right hon. Gentleman has announced to-night an alteration which has removed one objection which I felt to the plan as originally developed. He stated, on this day fortnight, in answer to a question from myself, that although the banking department might demand notes for bullion, yet that the public might demand them only for coin. Now, subject to some limitation as to the price of bullion, the public ought to have a right to demand notes for bullion, and this the right hon. Gentleman has to-night stated it to be his intention to propose. It is clear, that upon the principle of a self-regulating currency, everybody ought to have the power of obtaining money by bringing bullion to be coined, as he may do, by law, in this country without charge. The policy, however, of using paper money is to avoid the expense of coinage, and that arising from the wear of the coin. Everybody, therefore, ought to be able to obtain notes on the same terms as he can obtain coin as nearly as may be, giving just such an advantage in favour of taking notes rather than coin, as may induce everybody to do so. I believe that 3*l.* 17*s.* 9*d.* is the price per oz. for standard bullion, which has practically been sufficient to induce persons to sell bullion to the Bank for notes, rather than to take it to the Mint to be coined, and the right hon. Gentleman has therefore properly fixed upon that sum as the rate at which persons may demand notes from the issuing department in exchange for bullion. If the public had not this right, the banking department might exercise a power of limiting the circulation of notes which it ought not to possess. I am aware that objections have been entertained to this power, on the ground that a great deal of gold bullion comes to this country merely as a commodity for the purposes of trade; and that there is no reason why notes to this amount should be added to the circulation, as would be the case if it was carried to the issuing department. In the first place, I do not believe that a great quantity of gold does so come to England. Silver comes here in large quantities from America to be exported to other countries, but I understand that not much gold is brought to this country for that purpose. It is evident, besides, that if it does come for such a purpose, it must be exported again very soon. There can be no material difference between the imports and exports; and for the supply of trade it must go out as fast as it comes in. Indeed, as the Bank has for some years always purchased gold bullion, when offered, at this price, it is certain, that any inconvenience which can arise from this source, must have been felt for some time, and yet I have never heard of any complaint on this ground. But the price at which the bullion can be taken to the issuing department, is a check sufficient to prevent anybody taking it there unless he wants the notes; for he must sell it at the rate of 3*l.* 17*s.* 9*d.*, and can demand coin again only at the rate of 3*l.* 17*s.* 10½*d.* The same difference in price obviates also a further objection on the ground that the public might be charged with a constant expense of coinage, if a party was one day to deposit bullion, and the next to demand coin. The right hon. Gentleman has anticipated on another point, a question I was about to put to him, *i. e.* whether the Issuing Department is to hold a part of their bullion in silver. He has told us to night, that he proposes that they may hold silver to an amount not exceeding one-fourth of the gold which they may have, that is one-fifth of the whole amount of their bullion; but that they must take it at the market price of silver at the time, and sell it in the same way, being themselves responsible for any loss which may occur in the transaction. I approve of the course which the right hon. Gentleman has proposed. The Bank has always been in the habit of holding a certain quantity of silver, sometimes to the extent of upwards of 2,000,000*l.*, and for the purpose of export and of rectifying the exchanges, it is often more available than gold. By allowing the Issuing Department, then, to hold a certain quantity of silver, a great facility will be given for working the new system. The practice which has hitherto been found so advantageous at different times will be continued, and when there is some apprehension afloat of the pressure which the new

plan may entail, I am glad to afford every facility which is not inconsistent with the principle of the Measure. The regulations as to the amount of silver, and mode of exchange for notes, prevent its interfering in any way with the gold standard. Silver cannot be given in exchange for notes, unless the party holding the notes applies for it in preference to gold, and then he will only take it at such a price as he agrees to himself. The power of demanding gold for notes remains untouched; and if the Bank has to part with silver in order to obtain gold, the loss will fall on themselves. I come now to another part of the plan, on which at first I entertained some apprehension; and though upon the whole, subsequent consideration has reassured my mind, I am not altogether without some misgivings. That is, as to the amount of the securities on which notes are to be issued. The higher the amount of securities, the less, of course, will be the margin for bullion; and I was afraid, that in certain circumstances, such as have occurred before, there might be a less amount of bullion in the coffers of the Bank, than I should wish to see. I will explain what I mean by reference to the state of the Bank circulation on two occasions. In December 1839, and again in December 1840, the circulation of the Bank of England was, in round numbers, 15,500,000*l.* But I apprehend that some deduction would have to be made from that amount, if the account had been made out, as I conceive it will be, under the proposed plan. In that account there are included the Bank post-bills. The right hon. Gentleman has not said if they are still to be considered as circulation as heretofore. [Sir *R. Peel.*—Bank post bills are to be looked upon in the light of bills of exchange, not being payable to bearer, and they will be left to the banking department.] So I had concluded. They will not appear, then, in the amount of circulation: and if the accounts in 1839 and 1840 had been made out on this principle, the amount of circulation would have been less by the amount of the Bank post bills then in existence. There is, besides, a considerable amount of notes included in the published returns, which there is every reason to suppose have been lost or destroyed; and probably it will be well to take this opportunity of writing off that amount in the returns. I believe that these two items, the Bank post bills, and the lost notes, will amount to about 1,500,000*l.* If this sum be deducted from the 15,500,000*l.*, there will remain only 14,000,000*l.*; and on those two occasions, therefore, there would, in fact, have been in circulation with the public, only the precise amount of notes which are to be issued on securities. There would, in that case, be no bullion in the issuing department, except that which was equal to the bank notes held in reserve by the banking department; and there would be also in the banking department the coin which they kept in reserve to answer the demands of their customers in London, and at the branches. I will assume that this altogether may be 3,000,000*l.*, or perhaps rather more. This is rather a small amount under circumstances which may arise, and which we must not shrink from contemplating. I have no fear of a foreign drain. Before the bullion was reduced so low as this, the increased value of money would, I have no doubt, have checked the export; and I have no apprehension on that ground. But the same circumstance has no effect on an internal drain, which often arises from panic, or other causes not amenable to reason. We had experience of a drain from political causes in May 1832. In his evidence before the Committee which sat in that year, Mr. Horsley Palmer gave the following account of the extent of that drain:—

"The issues to the branch banks and to the bankers, were together about 800,000*l.*; the issue to the public at the counter of the Bank, was about the same amount, making in the whole about 1,600,000*l.*; and in addition, the sum that went out in dividends, has not returned: therefore, I believe the whole absorption at the present time (the evidence was given in May, 1832) to be near 2,000,000*l.* sterling."

Now, the greater part of this sum was drawn from the Bank in the space of a single fortnight; and it is evident that a drain such as this, which cannot be foreseen or guarded against, if it occurred at a period when the bullion in the issuing department had been very much reduced, might place our monetary system in great jeopardy. On the other hand, I am confident in the expectation, that the result of the proposed system will render it extremely improbable, that the bullion ever should be reduced so low by a foreign drain. It is improbable, too, that the internal panic should arise at the moment

of the reduction of bullion by a foreign drain, though, to a certain extent, the very knowledge of the low state of bullion, from the publication of the state of the Bank, may excite some alarm. At the time when the circulation was reduced so low, in 1839 and 1840, the exchanges were in our favour, and there was on both occasions, about 4,000,000*l.* of gold in the coffers of the Bank. It must be remembered, also, that if the contemplated power of substituting Bank of England notes for country notes, partly on a deposit for securities, and partly on a deposit of bullion, be exercised, the quantity of bullion, in the coffers of the issuing department, will be considerably increased; and, as an internal drain can only be stopped by actual payment of coin over the counter, it is more to the positive, than to the relative, amount of gold that we must look. These considerations have very much diminished the doubts which I entertained, at first, of the possible sufficiency of the amount of bullion; and I am, upon the whole, disposed to think, that the right hon. Gentleman is safe in allowing the issue of notes on so large an amount of securities as 14,000,000*l.* I will now refer to what will appear to be the state of the circulation in the first published accounts under the new system; because there will be a very large apparent increase of circulation, and it is most desirable, that the public should be previously warned of this, as, otherwise, it might create considerable alarm and uneasiness:

The Bank circulation is at present about		£21,000,000
Deduct for Bank post bills,	800,000	
And for lost notes . .	700,000	
		1,500,000
Notes actually with the public . .		£19,500,000

Of these, 14,000,000*l.* will be issued on securities, and there will be required 5,500,000*l.* of bullion to be deposited with the issuing department to obtain the whole amount. The banking department will then require its ordinary banking reserve, say 3,000,000*l.*, for which it must deposit 3,000,000*l.* more of bullion, making altogether 8,500,000*l.*:—

The bullion in the coffers of the Bank at present, is about .		£16,000,000 or upwards
Deduct deposited for notes now with the public and reserve .		8,500,000
Remains . .		£7,500,000
Less for coin to be kept in London and at the branches, to meet the ordinary demands of customers, say . . .		1,000,000
		£6,500,000

There will then be 6,500,000*l.* of bullion on which the banking department may obtain notes beyond those already issued to the public, and its ordinary banking reserve. If they deposit, as probably they will, this whole amount, their banking reserve in notes will be 9,500,000*l.* and this sum will appear in the returns of the issuing department, as an immediate increase to the circulation. It is most desirable that the public should be apprised of this, and that the increase, which would otherwise look startling in amount, is, in fact, apparent rather than real. What the banking pepartment will do with the notes will, I apprehend, appear in their own published returns, and that publication will remove any unfavourable impression; but it is as well that the public should be made aware of the real state of the case at the earliest opportunity. I come now to a part of the plan, to which, as it was originally proposed, I certainly did entertain the very strongest objection. I mean the power of increasing the issue of notes on securities. The right hon. Gentleman proposed that the banking department might, with the sanction of three Members of the Government, by depositing with the issuing department a certain proportion of securities, and a certain proportion of bullion, obtain thereupon a further quantity of notes to the amount of the securities and bullion deposited. The right hon. Gentleman stated, that the only case in which he contemplated the exercise of such power, was the substitution of Bank of England notes for country notes, in the event of any quantity of the latter being withdrawn. I should not have objected to a provision being made for such a case. It was quite necessary to do so; but the power, as first stated, was perfectly general; and after the conclusion of the right hon. Gentleman's statement on the former evening, I had hardly got beyond the door of the House, when I heard that this power was, by some persons at least of no light authority, considered as affording a very convenient mode of increasing the issues on security, whenever such an increase might be thought needful. This seemed to me to be perfectly inconsistent with the very principle of the Measure, and calculated entirely to defeat its efficacy. Let anybody call to mind the state of things in the summer of 1839, when Mr. Horsley Palmer avowed that

the Bank was utterly unable to resist the urgent demands for discount and accommodation to the merchants, and thus increased their issues at a time when their bullion was flowing fast out of their coffers. All this pressure would be transferred to the Government. Imagine such pressure applied to a weak Government, or to a Minister who held opinions on currency at all resembling those of the Gentlemen who advocate free-trade in banking. I should infinitely prefer seeing the discretion in the hands of the Bank, to seeing it in the hands of the Executive Government. The whole responsibility would then be upon the Bank; but if the responsibility were removed from their shoulders to those of the Government, I am afraid that the knowledge of the existence of this power in reserve might induce them to be less cautious, and would remove the necessity of that early prudence on which the safety of this, or, indeed, of any system, so essentially depends. Feeling this point so strongly as I do, it was with the very greatest satisfaction that I listened to the announcement of the right hon. Gentleman this evening, that he had made a great modification of his plan in this respect. He now proposes to limit by law the exercise of such a power to cases which all imply a withdrawal of country notes from one cause or another; to fix the proportions in which securities and bullion are to be deposited, in order to obtain a further issue of notes at two-thirds of securities, and one-third of bullion; the notes so issued to be substituted for the country notes withdrawn; and the whole to be done only with the sanction of the Queen in Council. If I understand this proposal rightly, it seems to me to remove the objection which I felt to the former proposal. I should be glad to reserve a final opinion till I see the provisions for this purpose in the Bill; but as far as I can judge, I am satisfied that the alteration effects what I consider to be indispensible to the proposed system. I do not see so strongly as the right hon. Gentleman does the necessity for the check on the part of the Privy Council. The reason which he gave for it was, that the banking department might deposit securities, and then obtain an additional issue of notes when they had already a large reserve of notes from which they might supply the deficiency created in the country circulation. It seems to me that they would have no inducement to do so. When they substitute their own notes for country notes out of their reserve, they enjoy all the profit which is derived from the issue of those notes; but if they obtain a further issue of notes under this power of depositing securities, the whole profit is to go to the Government. It is not easy to see how they will have much inducement to do this under any circumstances; but it is clear enough that they will have no inducement to do so, as long as they can supply the notes from their reserve. The check, therefore, seems to me to be unnecessary; but if there is any need for it, which has not occurred to me, the mode in which it is proposed to apply it is very unobjectionable. Speaking generally, the two alterations of to-night seem to me to obviate the only objections which I felt to the original plan. I quite enter into what fell from the right hon. Gentleman, as to the difficulty under which he laboured of not being able to communicate with parties, whose acquaintance with the subject might have enabled them to afford useful assistance to the Goverment, in framing their measure. Secresy was indispensably necessary; and it was not to be expected, that they should produce a plan devoid of all objections; but, considering these disadvantages, it is highly creditable to the right hon. Gentleman and his Colleagues, that they should have proposed a plan with so few faults; and which, now that the right hon. Gentleman has readily amended its defective points is, upon the whole, a very perfect plan, with the great advantage of reconciling the opinions and interest of the great bodies at present engaged in the business of banking and of issue. I do not see that anything more is required as far as regards issues in England and Wales. With respect to the banking department, there is very little to observe upon. It will be perfectly free in its operations; and almost the only point to which any remark need be directed, is the form of their published accounts. It is of importance, that we should have the amount of notes "with the public," distinguished from those which form "the reserve of the Bank," within the walls of the Bank. We should have the former, if only for the purpose of comparison with the amounts of circulation now published. It is very desirable

too, that the public should know what is the amount of notes in reserve in the Bank. The Bank has an immense monied power, and with such a reserve as they happen to have at present, of 9,500,000*l.*, they have the power of throwing into the money-market an amount that would derange the ordinary transactions. It is not likely that the present state of things should last long, or occur very often, but still it is desirable that the public should know what is hanging over them in the shape of the Banking reserve. It is also, I think, desirable, that the public should know the amount of the capital of the Bank. This has never appeared in the published accounts; but when the publication is to be made so frequent, so accurate, and so full, I think it will be as well that all the world should see that there is ample security for the safety of the public and of the creditors of the Bank. I should be glad to know if there will be any objection to giving the Bank the power of exchanging, from time to time, the 3,000,000*l.* of saleable Government securities, which the issuing department is to hold. I can see no objection to doing so. The security to the public will be the same, and it may be a convenience to the Bank to have the option of exchanging them. With these powers, I apprehend that the Bank of England will continue to perform all the functions which she has hitherto discharged with so much advantage and convenience to the public; as, for instance, making the quarterly advances at the payment of the dividends. There will be less need of this than before. I am glad to take this opportunity of expressing my approval, of the course which the Government took in reducing the 3½ per cents., of transferring the period of payment of the dividends on the new stock to the spring and autumn quarters. This will have the effect of equalizing the payment of dividends in the four quarters, and is a very judicious measure. In the same way the Bank will, I conceive, as heretofore, make advances on deficiency bills, and for rendering assistance to the trade of the country in periods of difficulty. There is no reason why this should not be done out of the capital of the Bank; and with proper caution and prudence, I believe no difficulty need arise. The only thing which has been to be deprecated, is when the Bank made the fatal mistake of substituting for advances of capital, increased issue of notes. I have heard objections made to the terms on which the Bank Charter is to be renewed. The right hon. Gentleman has been blamed for not availing himself of the present high price of the funds to pay off the 11,000,000*l.* due from the Government to the Bank. There has also been an objection stated to the proposal of leaving the Bank open at any time after the expiration of ten years to the termination of its charter, on a year's notice; and no doubt there is some objection to an annual discussion on these matters; but, upon the whole, I am not disposed to criticise any of these minor details of a great plan, which effects so important an object as to the circulation. There is one thing, however, which I thought would have been done, and on which I should be glad to hear some explanation. There seemed to be a general concurrence of opinion in the Bank committee of 1840, that it was advisable to introduce in some way, greater permanency into the direction of the Bank. I do not mean a Government officer: but no one who has so much experience in dealing with the Bank, as the Chancellor of the Exchequer, but must be aware that there is considerable disadvantage in the constant change of Governors. The necessity is assuredly much diminished, by depriving the Directors of any power over the issues; but as there was a general feeling in favour of a change in this part of the system, I am surprised that it has not been proposed. I will now refer to that part of the plan which relates to the country issuers. The amount of the circulation of each bank is to be fixed, at what has been its average circulation for the last two years. This is a low average, and I think it is quite proper that the amount should be fixed a a low point, in the same way as the amount of Bank of England notes to be issued on security is far below what they continually have in circulation. The objection which has been stated to their being tied down to the average of two years, on the ground that their circulation varies so much at different periods of the year, does not seem to me to be of any great force. I have referred to the account of the circulation of private Joint-stock banks for the last two years, and the result is as follows:—

1842. Highest Amount, April 30,	£8,642,000	
Lowest Amount, August 20,	7,973,000	
Difference . . .		£669,000
1843. Highest Amount, April 29,	£8,101,000	
Lowest Amount, August 19,	7,114,000	
Difference . . .		987,000
	2)	1,656,000
Difference on average of 2 years		£828,000

Now, half this amount is given to them at all times by the Measure of the right hon. Gentleman, and therefore the power of increase of which they are deprived, is only to the extent of about 400,000*l.*; and this upon a circulation of 8,000,000*l.*, is a sum too trifling for serious objection. The great opposition, however, to this part of the Measure, will, I conceive, arise from those Gentlemen who maintain that the unlimited power of issue on the part of the country banks, is absolutely indispensable for the benefit of the agriculture of the country, to enable the farmers to cultivate their ground, and to pay any rents to their landlords. Such a notion has been extensively propogated, but really when it comes to be examined, it is not only absurd, but actually contradicted by the evidence. The first proposition is, that the bankers cannot make advances to the farmers, if they are limited in their issues. Now, one of the most intelligent witnesses we had, was Mr. Rodwell, a country banker at Ipswich, and I will read three questions and answers from the evidence given by that gentleman.

"In what half year is your circulation the highest?—In the half year ending in March."

"At what period of the year are you mostly under advance to the farmers?—From the end of March to the end of September."

"Is, then, the period at which you are mostly under advance to the farmers, the period of your lowest circulation?—Certainly it is."

Mr. Stuckey gave evidence to the same effect. Surely, it must be perfectly clear, after this testimony, that the power of accommodating the farmer does not depend upon increased issues. The next assertion is, that it would be impossible for them to advance to the farmer the means of paying his rent, as is now their constant practice. Now, it appeared upon this point, that a few days before the rent days of the neighbouring landlords, country banks are in the habit of advancing notes to the farmers, who are their customers, for the purpose of paying their rents; and that a few days after the rent days, the notes are either paid into them again by the landlords, or returned to them in the exchange with other banks into which they have been paid. Can anybody believe, that for this purpose such a power is necessary? Can anybody believe, that there are not many ways of affording such accommodation. The advances are certain, are foreseen, and for a short time only. The banks might safely reduce their reserves for such a purpose as this, and I am sure any practical man would suggest several modes of doing it with the greatest ease and security. But in this, and in all other similar cases where an increase of accommodation is required, the Banks may obtain the power of affording it by the means of Bank of England notes. I am aware that there is a very general impression that the necessity of doing so would materially curtail their means of assisting their customers. But nothing is more remarkable than the very strong evidence which is given on this point in the case of country bankers who now act with Bank of England notes, and which entirely contradicts any such notion. The practice of such bankers is, that they are entitled to have a certain amount of Bank of England notes, on depositing approved bills of exchange, with the power of demanding some addition on the same terms; and beyond that, they must obtain what notes they require, as any other person must. What is the evidence as to the power of accommodation which is given them by so using Bank of England notes? Let it be observed, that I am quoting only from the evidence of those who are adverse to the proposition which I am advocating. Mr. Gilbart was asked,

"Do you apprehend that any inconvenience has arisen to their customers or to the public from the substitution of Bank of England notes for the notes of country banks?—I think the only inconvenience has been, that the bankers have been more liberal to their customers than they otherwise could have had the means of being."

"It has not at all reduced the extent of accommodation afforded? I think rather the reverse."

This is the opinion of a gentleman well versed in the management of banking business in all its branches, although he had

no practical experience on this particular point. I will now quote the evidence of a gentleman who had given up his own circulation, and substituted for it the notes of the Bank of England, on the system which I have mentioned. Mr. Wright, of Nottingham, was asked,

"Do you conceive that it has in any way limited the accommodation which you have the power of affording to your customers?—Not at all."

He then states generally—

"Demands for accommodation increase at particular times, both agricultural and commercial customers. We are quite as well able to supply these increased demands, as when we used our own circulation."

And he is then asked—

"And you do not find yourselves embarrassed by not having the power of making increased issue in your own notes?—Not at all.

The effect of the measure from which restriction is anticipated is in reality, increased power of accommodation; and the only evil is stated to be, that bankers are enabled to be more, not less, liberal from adopting the use of the notes of the Bank of England. I think, therefore, that agriculturists need not be alarmed at the prospect of any injury being done to them by the limitation on country issues. If this evidence is to be believed, the change would operate to their advantage. With regard to Scotch banks, I understand the proposal of the right hon. Gentleman to be, that no new banks of issue shall be established, and that there shall be a weekly publication of the circulation of existing banks, as in England.—[Sir *R. Peel*—I did not say so.] I understood that the publication was intended to be of all issuers in the United Kingdom, and so I read the printed resolutions. It certainly ought to be so. I wish, however, to call the attention of the right hon. Gentleman, to the manner in which the amount of the circulation of the Scotch banks is made up, because it is different from the mode adopted in England; and there ought to be an uniformity in the method of making up the accounts. The published account of the circulation of the country banks in England includes, I believe, nearly the whole amount of notes which they have stamped. The account of the Scotch banks does not include anything like the amount of notes stamped. The English bankers make no deduction for the notes of other banks they happen to have in their hands. Most of the Scotch banks make the return of their circulation immediately after their exchange of notes with other banks, or deduct from the amount of their own notes which are out, the amount of the notes of other banks which they have in their possession on the day of making the return, and give the difference as the amount of their circulation. In illustration of this, I will refer to the evidence of two of the witnesses from Scotland. Mr. Blair, the Treasurer of the Bank of Scotland, says:—

"The return does not include the stock of notes in the hands of the bankers. If the circulation of Scotland is considered as being 3,000,000*l.* on the average, there probably are 4,000,000*l.* besides, making 7,000,000*l.* altogether."

I am confident that there is nothing at all approaching to this state of things in England. Mr. Anderson, the manager of the Glasgow Union Banking Company, said, in reference to the difference in the amount of notes in circulation before and after the day of exchange with other banks,

"I should think it would be more than 30 per cent."

It is evident from this, that if the Scotch banks made their returns on the day before the exchanges, deducting the amount of the notes of other banks which they might happen to have in their hands, and if the English banks made their return on the same day, doing nothing of the kind, the amount of circulation in Scotland would appear to be 30 per cent. less, than if the returns were made on the same principle as in England. The difference would be less, if the returns were made on any other day, but there will always be a difference, unless the English bankers were invariably to make their returns immediately after the exchange of notes, because this is the only period when this difference of principle cannot operate. This leads to a false impression as to the comparative amount of circulation in the two countries, and clearly the returns ought to be made on the same principle on both sides of the Tweed. I will not trouble the Committee with any observations as to banking in Ireland. The same measure is to be applied to the country banks there as in Scotland. I presume that the charter of the Bank of Ireland is to be renewed, and

I trust that this opportunity will be taken to bring it into closer connection with the Bank of England, so that their action may be more in unison with each other. I believe, Sir, that I have now adverted to the principal features of the measure of the right hon. Gentleman, with such observations as it seems to me necessary to make upon them; but before I sit down, I must notice one or two of the general objections which I have heard made to the proposal of this, or indeed of any similar system of currency. It is said to be impracticable; that as regards the Bank of England, for instance, it cannot be carried into effect; and the state of the accounts of the Bank at various times is appealed to in proof of this assertion. There is a table in a letter of Mr. Pennington's in 1840, pointing out different periods in the course of a few years, in which the principle of this measure could not have been applied to the existing state of the Bank at those times. I admit this at once, but instead of being an argument against, it seems to me to be the most convincing proof in favour of, the principle which I am endeavouring to support. The advocates of that principle say, that under the present system of management, the Bank of England has often been placed in a position in which the affairs of the Bank ought not to have been, and therefore, they wish to apply a new system of management. The argument against the application of the new system is, that it would be incompatible with a state of things produced by the old one. But this, in fact, admits all that we ask, and the simple answer to this and all similar arguments is, that if the sound principle had been acted upon steadily from the first, the Bank never could have been found in that position. The very object of applying sound principle is to prevent the possibility of such a state of things ever being produced. The objection, however, which is most felt is, I have no doubt, that persons anticipate that the undeviating application of this principle will, at times, produce what is called a pressure on the money-market, and will deprive the commerce of the country of some facilities in the way of credit which it has hitherto enjoyed from the Bank of England. I am not prepared to deny that this may be the case; and it would be absurd to shut our eyes to the possible consequences of the measure which we are about to pass. But no good can be gained without paying its price for it. This facility was obtained by a degree of insecurity in our monetary concerns which it is most advisable to avoid; and if we obtain the security, we must purchase that advantage at the price of some portion of this ease and accommodation. I say this on the assumption that there is a great advantage in this so called facility of accommodation from the Bank of England; but there are two very important questions to be considered before I can admit that the change will, even in this respect, be prejudicial to the commercial world. First, are the advantages derived from the accommodation afforded by the Bank of England in times of difficulty, so great as is supposed? Secondly, is not the pressure under the present system greater than it would be under that which is proposed? I suspect that the extent of accommodation afforded by the Bank to merchants or traders in periods of distress, has been very much overrated. I am confirmed in this opinion by that of the late Mr. Ricardo, who said,—

> "A great deal of stress has always been laid upon the benefits which commerce derived from the accommodation afforded to merchants by the Bank. I believe it to be quite insignificant, compared with that which is afforded by private individuals."

There was a remarkable proof of this in the year 1839. I need not remind Gentlemen of the difficulties of that year; or those who are at all acquainted with the subject, of the dangerous position in which the United States' Bank stood at that time. Under these circumstances, in the autumn of 1839, the agency of the United States' Bank in England, applied to the Bank of England for assistance. After much consideration, the Bank offered an advance to the extent of 300,000*l.* to be re-paid in a month. This was not deemed sufficient, and was declined. The agent then applied to individuals, and from their private resources, assistance to the amount of 800,000*l.*, for an almost unlimited period, was obtained. No doubt it was obtained on the payment of higher interest than would have been paid to the Bank at their fixed rate; and it is, in truth, owing to this circumstance, that at such times the rate of interest charged by the Bank is lower than the market rate, that applications for assistance are made to it to so heavy an amount. But what reason

is there, when persons apply for assistance in times of insecurity, that they should not pay a price for that assistance, in proportion to the risk which the person runs who affords it to them? Higher interest must necessarily be paid at such times, and I believe that one of the greatest blessings ever conferred upon the commerce of this country, was the repeal, or I should rather say, (for such is the fact) the suspension of the Usury Laws. The ease with which the pressure of that year was borne, and the few failures which took place, has been mainly attributed to the facility which has been given by the relaxation of these laws, to the flow of capital into those channels where it was most needed. It is, moreover, a great mistake to suppose, that the power of rendering such assistance by the Bank, depends so materially on its power of issue. The accommodation afforded in that year, 1839, was mainly through the discount of bills. Compare then, the amount of their circulation, and of the "bills discounted" at different periods. They stood thus:—

	Circulation.	Bills Discounted.
	£	£
April 2 .	18,111,000	3,489,000
July 2 ,	17,611,000	6,787,000
October 1 .	16,857,000	7,731,000
Dec. 3 .	16,295,000	8,505,000

It appears from this statement, that whilst the circulation decreased about 1,800,000*l.*, the "bills discounted" increased about 5,000,000*l.*, and it can hardly be said that the accommodation to the public depended on their increased issues. The Bank is possessed of immense capital. That capital gives them the means of affording the requisite assistance from legitimate resources; and they may thus confer the greatest benefit on the community, but there is no safety when they go beyond this, and give accommodation only from increased issues. In the second place, I have a very strong opinion that, under the proposed system, the pressure will be, in reality, less than under that which is held up as causing so little. The effect of the change will be to enforce a contraction of the paper at a much earlier period of a drain than heretofore. Hitherto the drain of bullion has almost always been allowed to proceed a great way before any reduction of the paper took place. Now, upon this point I wish to read to the Committee part of an answer of Mr. Jones Loyd. The whole of the answer is well worth reading, as is the whole of that gentleman's evidence, but it is too long for me to quote at present. His words are these, and they express what I wish to convey much more clearly and forcibly than I could hope to do myself;—

"It appears to me that contraction applied in the early stages (of a drain) would be applied when it could be borne without inconvenience to the community, and that it would necessarily tend to counteract and check in their early growth those tendencies, viz. to speculation, over-trading, and excessive rise of prices, which by their undue expansion under our present system, and the consequent violence of the subsequent collapse, produce the extreme intensity which characterizes the commercial crisis in this country."

He then proceeds to shew, by reasoning which appears to me to be quite conclusive, how the early application of this principle in the year 1834, would in all probability have mitigated in a great degree, even if it had not prevented the evils of 1836-7. Nor are these conclusions without the foundation of facts, from which they might safely be drawn. In a former answer he had compared the results of various drains; and shewn the advantage in one instance of a course such as he recommended. Part of that answer was as follows:—

"My object in alluding to the drains of the four periods in question, namely, the drain terminating in the crisis of 1825, the drain which continued from the year 1830 to the year 1832; the third drain, which began at the end of the year 1833, and terminated in the year 1836, and the last drain which began in 1838 and ended in the autumn of 1839, has been for this purpose, to shew that of those four drains three of them were not met by any contraction of the paper circulation of the country; and those three drains, all terminated in a severe crisis, in a very exhausted state of the bullion, in great commercial difficulties, and in a state of general alarm respecting the safety of our monetary system; but that the fourth drain, namely, that from 1830 to 1832, was met by a contraction on the part of the Bank of England, bearing about the same proportion to the bullion lost, which the issues of the Bank of England bear to the aggregate paper issues of the country; the country issues at that particular period being under a legislative action, which, no doubt, necessitated a reduction on their part, the result was, that

the drain passed off, in the words of Mr. Horsley Palmer, 'without distrust or discredit of any kind.'"

I really do not see how proof in a matter of this kind can be pushed further. Reasoning and experience are combined to demonstrate the advantage of the course thus recommended. But this reasoning applies even still more strongly to the measure of the Government. The advantages already pointed out are those attending on early contraction of the paper circulation, when the drain has already begun. The proposed regulation will impose a check at a still earlier period, will in some degree limit the increase of the paper. This will be done at a time when everything is buoyant, when a little caution may well be enforced, and can injure nobody. The amount of the paper circulation never will attain such a height as materally contributes to create a drain, and if the drain is not altogether prevented, it will be very much diminished in extent. Surely this is a state of things in which the pressure and inconvenience will be less than is at present frequently experienced. I am confident that the real effect of the measure will be to prevent the existence of these very evils which some persons anticipate as its consequences. I will now only trouble the Committee with one further quotation from the evidence, and that is from the evidence of Mr. Kennedy, the manager of a bank in Scotland, for the purpose of showing what in his opinion is the effect of a drain of gold upon the circulation of a country bank. He gave very able evidence, and he is the only country banker, of those whom we examined, whose evidence refers to any immediate connexion between them. He was examined by the right hon. Gentleman opposite, and these were the questions and answers which I quote in the very words as they are reported :—

"You say you attend to the state of the foreign exchanges, and that when you observe that there is a drain of bullion on the Bank of England, you consider it expedient to restrict your issues?—Yes."

"You do not do that upon any theoretical views of the principles of currency, but because practically you find it necessary to do so?—Certainly, I find it necessary for my own protection.

"And you have actual experience of what would be the consequences if you did not do so?—I have.

"And you find that no derangement of the commercial transactions of the country takes place by acting on that principle?—Hitherto I have found none.

"You think it operates ultimately as an useful security to the public who deal with you, as well as to the Bank?—I think so."

He afterwards explains, that this does not refer to any fluctuation in the amount of his notes from local and temporary causes, and, after explaining how the operation is effected, he is asked—"These measures of precaution do not entail any loss upon the Bank?" and his answer is, "They do not; the rate of interest being raised, protects us." Raising the rate of interest is precisely the measure which the Directors of the Bank very properly adopted during the drain of 1839. I anticipate, from the adoption of this measure, a less fluctuation in the amount of the circulation—a less fluctuation in the range of prices; but I am not so unreasonably sanguine as to suppose that it will put an end to all speculation and to all miscalculation in commercial matters. Prices will necessarily vary, according to the relative supply and demand for commodities at various times. Speculators will make mistakes in their calculations as to the amount of the supply, and the urgency of the demand. Prices may be unnaturally forced up, and individuals may be ruined in the collapse. All this cannot be put an end to, so long as competition exists in trade, and hope of gain influences human minds; but it is no reason why we should not remedy what is in our power, because we cannot attain everything. We can prevent an additional stimulus being given to a rise of prices and undue speculations, by the influence of an ill-regulated currency; and this it is the duty of the Legislature to attempt. Other persons are of opinion, and amongst them was a late friend of mine, Mr. Leatham, a banker at Wakefield, that little or nothing will be done, unless some check is put upon the circulation of bills of exchange; and that all the mischievous speculations are fostered and carried on, not by enlarged circulation of notes, but by the means of an increased quantity of bills of exchange. This may be so to a certain extent, but it is a much more difficult matter to interfere in the private credit of individuals, and the trust which they choose to repose in each other's honesty or solvency. Against the danger arising from this source, individual prudence and indivi-

dual caution must mainly be the safeguard. But the limitation of the paper circulation cannot but tend to impose some check on the circulation of their bills of exchange. They may pass from hand to hand for a time, but, sooner or later, they generally come to be discounted or discharged in notes; and if there is at the time any cause in operation which limits the issue of the notes, it is impossible but that this circumstance should in some degree enforce caution in creating the bills of exchange. These objects, however, great and important as they are, are but secondary to what is the principal object of our proposed legislation. That object I understand to be the inviolable maintenance of the standard of value in this country. By that I mean the preservation of the constant identity of value of the pound in paper and of the sovereign, with that of the quantity of standard gold, which by law constitutes the pound sterling. That this identity may be affected by an excessive issue of paper is not denied. The experience of this country, and still more, that of the United States of America, abundantly proves, that the convertibility, at the will of the holder, is no security against excessive issues, or ultimate suspension of cash payments. It is not enough, then, to enact that the Bank notes shall be convertible. The paper circulation must not only be convertible, but must vary in amount from time to time, as a metallic circulation would vary. A system, therefore, of paper circulation is required, which will attain this object, and ensure a constant and steady regulation of the issues on this principle. This, and this alone, affords a permanent security for the practical convertibility of the notes at all times, and for the consequent maintenance of the standard. It is because the measure of the right hon. Gentleman is based on this principle; and as far as it goes, carries this principle into execution, that I feel it to be my duty to give it my cordial support.

Sir *William Clay* expressed his high approbation of the measure before the House. The plan of the right hon. Baronet rested upon principles that had been demonstrated to be sound, and which he therefore could have wished carried somewhat further into practical operation. He acknowledged, however, that all proposed to be done was well and skilfully done—that every step proposed to be taken was taken in the right direction, and that the ground had been skilfully prepared for the full development of the great principle which was contained in the present measure, and he was willing to admit that in the present state of public opinion, there might be a justification for the right hon. Gentleman in not carrying the principle into further operation at this moment. He might perhaps himself have thought that they might extend to Ireland and to Scotland the same regulation as to small notes which already existed in England; but he admitted, that the right hon. Gentleman was infinitely more competent to form a judgment upon this point than himself. Seeing that the plan proceeded upon a principle decidedly sound, and that it was carried so far into operation, it was but just to infer that it was carried at present as far as it safely could be. There were many obstacles that the philosopher might overlook in his closet, which no man engaged in conducting the practical business of the world—least of all a Minister—could venture to disregard or neglect. He agreed with his hon. Friend, that the right hon. Gentleman had manifested great skill in the manner in which he proposed to bring his principle into operation. He approved of the separation of the functions of the Bank of England. His hon. Friend who had just sat down, had alluded to the great measure of 1819, and he had also stated that in which he (Sir W. Clay) fully agreed with him, that it must be a source of gratifying reflection to the right hon. Gentleman, the part he had taken with regard to that measure; it did him honour, as a British statesman, that his name should be connected with that great and salutary reform. It was true that the difficulty of a restoration of cash payments had been at the time much over-rated, but it could not be denied that considering the long period during which erroneous principles had prevailed, and the temptation to take the easier, the less wise and honest path—the measure was bold as well as just, and conferred equal credit upon the Statesman who proposed it, and the Parliament that had sanctioned it. The measure of 1819, established as the basis of the invariable convertibility of paper money, our currency. The measure now proposed to the House was second only in importance to that measure. The adoption of the measure now before them, would be a recognition by Parliament of the truth of the principle, that a paper currency could not be

guarded against excess, if its issue was confided to those who profited by the operation. These legal convertibilities were not sufficient—of the soundness of this proposition, the experience of the last twenty-five years afforded the most convincing proof. America had been refered to; in that country there was free trade in banking, with a convertibility of paper into coin at the will of the holder. There was, in addition a law, almost in every state, that two per cent. per month, that was 24 per cent. per annum, was to be added to the value of the money claimed on the note of a banker until it was paid. But these precautions were inadequate to prevent the excess of paper money. Mr. Levi Woodbury, Secretary of the Treasury in the United States, in his Report to Congress of 6th December, 1836 (four months, that is, before the suspension of cash payments throughout the Union), after stating that the note circulation was in January, 1834, £76,000,000; January, 1835, £82,000,000; January, 1836, £108,000,000; and December, 1836, £120,000,000; says,

"This increase of forty millions, or about one-third of the paper circulation in a year and a half, is a great and sudden fluctuation which never could occur in a currency purely metallic.

"This excess has been sufficient to constitute the chief cause for the artificial augmentation in prices and unnatural stimulus to speculation, which cannot, under any sound views of political economy, be too greatly deprecated, or their recurrence too carefully guarded against. These sudden and great vibrations in the value of property and labour, however produced, or however flattering to many at first, are in the end dangerous to all classes, as well as ruinous to commerce, and to every species of regular industry."

In May, 1837, the suspension of cash payments occurred in every state in the Union; Congress was called together in September, and in the President's Message in opening Congress, he says,

"The history of trade in the United States for the last three or four years, affords the most convincing evidence that our present condition is chiefly to be attributed to over action in all departments of business—an over action deriving, perhaps, its first impulse from antecedent causes—but stimulated to its destructive consequences by excessive issues of bank paper, and by other facilities for the acquisition and enlargement of credit."

After stating in figures the progressive increase in the issue of notes, and referring to the simultaneous expansion of paper currency and credit in England, he goes on to say,

"In view of these facts, it would seem impossible for sincere inquirers after truth to resist the conviction, that the causes of the revulsion in both countries have been substantially the same. Two countries, the most commercial in the world, enjoying but recently the highest degree of commercial prosperity, and maintaining with each other the closest relations, are suddenly, in a time of profound peace, and without any great national disaster, arrested in their career, and plunged into a state of embarrassment and distress. In both countries we have witnessed the same redundancy of paper money, and other facilities of credit—the same spirit of speculation — the same partial success—the same difficulties and reverses, and, at length, nearly the same overwhelming catastrophe."

It was not his intention at present to go at large into the general question, he would only notice for a moment one or two of the points referred to in the statement of the right hon. Baronet. If he understood correctly what had fallen from the right hon. Baronet, it was his intention in the event of the substitution of the Bank of England for the country note circulation, to permit only some given portion of the notes so substituted to be issued on securities, requiring for the remaining portion a deposit in gold. He (Sir William Clay) could not see the necessity for this provision; there was no reason to suppose that the quantity of specie now in the country was not a sufficient metallic basis for the note circulation, and it seemed to him, that by the provision in question, the right hon. Gentleman was creating gratuitous difficulties in the working of his measure. By the plan of the right hon. Gentleman it was made imperative on the Bank to take in bullion at 3*l.* 17*s.* 9*d.* per oz., but they could not be called on to issue it in exchange for notes at a less rate than 3*l.* 17*s.* 10½*d.* per oz.—it might be worthy of consideration, whether it would not be well to require of the Bank to issue bullion at somewhat less than that rate. Coined gold of course they must issue at that rate; but if some slight temptation in price were held out to parties wanting gold for exportation to take bullion rather than sovereigns, a considerable annual expence in coining might be saved to the country. With reference to that portion of the resolutions which related to an amended constitution of joint-stock banks, he would merely then observe, that when the appropriate period in the discussing the Bills to be founded on the resolution should arrive, he should propose that banks should be

established of limited liability on condition of paying up three-fourths of their nominal capital, and a full publication of accounts. Reserving to some future stage of the measure any remarks he might have to make, either on the points to which he had alluded, or others which seemed to him to require notice—he would only then repeat, that the plan of the right hon. Gentleman as a whole, had his cordial concurrence and approbation.

Mr. *John S. Wortley* said, that the measure now before the House had his entire concurrence, and his full approbation. It had justly been stated, that the great object with which this measure had been submitted to Parliament was, to introduce additional security into the circulation, and an invariable principle of regulation giving assurance during the period of its continuance of a perfect conformity to the value of a metallic currency. It appeared to him that his right hon. Friend had adopted the most effectual means of accomplishing those objects, and it was therefore most expedient and important that the House should recognise and sanction his plan. The great feature of the plan was, that the Bank of England should be divided into two departments. In attempting the accomplishment of that object, his right hon. Friend proposed to give the Bank of England no control over the currency; and this arrangement was necessary, if it were to be made a central source of issue. The circumstances of the Bank, the circumstances of the country, and the necessity for placing the currency upon a sound basis, required that the private character of the Bank as an issuer of paper, should be taken away. It became necessary that the Bank should be no longer called upon to choose between its private interests and its public duty. It was impossible that the Bank of England could be invested with the character of a great public department, unless it were divested of the character of a private trading concern; and he thought that the proposed course of separating it into two departments was the wisest that could be adopted. His hon. Friend, the Member for Halifax, had justly observed, in examining the statements respecting the amount of the circulation, that that circulation would at first appear largely increased. The whole amount of treasure, except what might be required in the deposit department, would, of course, find its way into the issuing department. This, no doubt, would at first create a large apparent increase of circulation; but it would prove no valid objection to the plan, nor indicate any real change in the amount of issues. There was one point, however, on which he thought the plan of his right hon. Friend might have gone somewhat farther, and that was, in dealing with the subject of branches. There was nothing worse than the inordinate number of branch banks which existed throughout the country; and not only were there a great number of branch banks, but likewise a vast number of agencies, which gave to individuals the power of dealing with the resources of the Bank, and that too at an indefinite distance from the seat of management, and without any control whatever. Upon these practices it was highly desirable that some check should be imposed. He wished that the measure which his right hon. Friend had introduced, had done somewhat more towards effecting that object, or at all events had imposed some such salutary restraint as would, sooner or later, put an end to the evils of branch banks and agency. There were other points for discussion on which he might have addressed the House, but he did not wish unnecessarily to occupy their time; he could not, however, help observing, that he thought some greater inducement might be offered to the existing banks of issue to accept the paper of the Bank of England; the inducements now offered appeared to him too slight, and he did think that such means might be adopted as would make their acquiescence very probable. He could not address these observations to the House, without at the same time saying, how heartily he rejoiced at the circumstance that his right hon. Friend had taken the present opportunity of proposing a plan to Parliament. He should be sorry to see such an occasion allowed to pass without some attempt to place the currency of the country upon sound principles, which would give to public credit a character of stability and security, alike advantageous to the country and honourable to the Minister by whom it was proposed. He rejoiced also, that his right hon. Friend had the wisdom to abstain from altering the habitual arrangements of the country. He was perfectly right in allowing private issuers to continue their issues for a certain length of time, and under the limitations which he had proposed. To treat those parties with forbearance was not only an act of good policy, but one of justice likewise; and

thus did his right hon. Friend avoid giving any shock to public credit. Any Minister must be considered as having deserved well of the country, who introduced a measure calculated to mitigate the violence of those periodical shocks to which the monetary system of the country had long been unfortunately exposed; and if, as he believed, the important change now under the consideration of Parliament should be attended with such a result, the author of it would be entitled to the universal thanks of the country.

Mr. *P. M. Stewart* said, that he concurred generally in the great and well-intentioned plan of the right hon. Baronet upon this important subject. There were one or two points, however, upon which he had objections to make, and which he hoped he should be able to carry on some future occasion. He was not going to taunt the hon. Baronet, the Member for the Tower Hamlets, for finding fault with the Government for not extending this measure to Scotland and Ireland, and abolishing their issue of one-pound notes. He, however, thought that the right hon. Baronet had shown very great prudence in not raising the hornets' nest about his head, which he would unquestionably have done if he had attempted any interference of this kind with Scotland and Ireland. Still, however, there were one or two points in the plan of the right hon. Baronet which, particularly in the agricultural districts, would be looked upon with a searching and jealous eye. One great point had been unmasked in the course of the present debate, namely, that it was the intention of the Government, sooner or later, to establish one general bank of issue throughout the whole country. This was a bold experiment, but it was nothing but an experiment. It was an entirely new doctrine in political economy, one not propounded by any of those great practical names, who had been summoned before the Committee of this House to give their evidence upon this subject. It was a doctrine of the modern school of political economy—it was one which might be found extremely fallacious, and at any rate it behoved them to look very narrowly at it before they adopted it. It was a startling thing to find that this proposition was one which came from the band of what were called "the Philosophers." Every practical man, who appeared before the Committee, gave strong reasons why a single bank of issue was a most inexpedient thing to adopt. Upon referring to the Report of the meeting of bankers not having banks of issue, and who, therefore, had no direct personal interest in the question, he found by one of their resolutions that they declared themselves strongly against such a proposition: they declared that they considered that the present mode of country banks of issue, with local control upon their proceedings, was the best adapted to the commercial transactions of the country, and that the same advantages could not be obtained by the adoption of a single bank of issue. The right hon. Baronet at the head of the Government, speaking of the Bank of England, intimated that that establishment would be ready to supply its notes for the use of country establishments, allowing a certain profit. This sufficiently unmasked the intention which the Government had in view upon this important point. Let them, before they tried this experiment, recollect the year 1825, which opened in as sunny a state as anything which the present time presented, and which ended in storms which were lamented by all. He did not mean to say that there was any danger impending at the present moment; but, whatever plan they adopted upon this subject, they should endeavour to prepare for the different state of things which might sooner or later occur. He did not intend to go into details at the present moment; but he did not quite understand the objections of the right hon. Gentleman on the subject of the currency. The right hon. Gentleman contended that the circulation should rest upon securities and upon bullion—a gross average of thirty millions. But if the bullion should go as it went in 1825, until there was only about one million left, what became of the securities? It might all look very well in theory to separate the two departments of the Bank, and insist upon the weekly publication of their affairs; but he thought it must have the effect of bringing their bullion down lower than it was at present, and for this he thought they ought to be prepared. With regard to country banks of issue, he thought that the Government were quite justified in taking any steps they might think necessary for their regulation; but he did not think they would do right to break up the machinery by which they were worked, in case it should be found necessary to retrace the step they had taken, and recur to them. He thought that the right hon. Gentleman proposed to restrict the circu-

lation of the country banks of issue too much. He proposed to restrict it to the average of the two last years, which, from prudential reasons on the part of the banks themselves, were the lowest which had been known for a long time. What had been proposed to the right hon. Baronet was, that the average of the last five years should be taken as the limit; and though the difference of 1,500,000*l.* did not seem very great in itself, yet that between 8,000,000*l.*, the average of the last five years, and 9,500,000*l.*, the average of the last two years, was very well worth considering. At any rate, he thought that the right hon. Baronet ought in fairness not to have fixed the maximum of circulation by the average, but by the maximum circulation of the two preceding years. When the right hon. Gentleman said, that people ought to be induced to draw upon their capital, and not upon their credit, he said that it was not in the power of any Legislature to compel the adoption of such a principle; and that if men in business were shut out from the use of the notes in the country banks, they would resort to a circulating medium of their own, namely, bills of exchange. He could not admit that the country bankers acted upon any such principles as to regulate their issues by the state of foreign exchanges. He believed, on the contrary, that they always regulated them by the legitimate demands of trade. ["*Hear.*"] He understood that cheer; but from what he had heard from practical men who were competent to form an opinion on the subject, he was convinced that what he said was the case. The right hon. Baronet would allow the union of two private banks, but not the union of a private bank with a joint-stock bank, or of two joint-stock banks. This appeared to be a restriction directly at variance with the whole scope of the right hon. Baronet's argument on this subject. Let not hon. Gentlemen run away with the notion that there was anything of quackery in the constitution or proceedings of joint-stock banks. He would refer to no less an authority than the late Mr. Huskisson for a very high testimonial in their favour. He hoped that where two or more banks were joined together, such united banks should enjoy an united circulation. If not, they would have to provide for a fall in prices. The failures to which the right hon. Baronet had alluded as having taken place from 1839 to 1844, were not, as he understood, joint-stock banks, but, in every instance, private banks; and he was not aware of a single instance of a joint-stock bank failing in which the public as depositors were losers. Then, with regard to the circle of sixty-five miles round London—that circle contained an area of 13,000 square miles—the whole area of England being but 50,000 square miles. Now, how would that limit operate? [Sir *R. Peel* here observed that every accommodation is afforded to agriculture within the circle of sixty-five miles.] But what he complained of was, that they excluded the joint-stock banks from issuing. The population within the area of the sixty-five miles was 5,000,000; and the counties included were Bedfordshire, Berkshire, Buckinghamshire, part of Cambridgeshire, Essex, a great portion of Hants., Hertfordshire, nearly all Kent, part of Huntingdonshire, Middlesex, Northamptonshire, part of Oxford, Surrey, and Sussex. In those districts, there were 100 private banks, and there were also thirty-seven branches of banks, which the right hon. Baronet altogether overlooked—viz., of the London and County banks and joint-stock banks; and the issue of notes by these banks, according to the estimate of the right hon. Gentleman, was 1,300,000*l.* But the disasters throughout these districts had been as severe as any to which the right hon. Baronet had referred. He did not speak so much as to the northern circle, but in the southern part, as Brighton and the neighbourhood, the result of forcing that important district to live under a system of private banks—chiefly and partly under the Bank of England was forcibly illustrated—for with the issue of 1,300,000*l.*, there had been failures and disasters, together with an amount of private loss, which would not have occurred under a system of joint-stock banks. He, therefore, should propose some curtailment of the circle of sixty-five miles. While on this point, he could not forbear remarking on the great advantage which had resulted from the amendment of the law of partnership in relation to joint-stock banks; nothing could be more direct and fair than the manner in which the claims of those establishments had been received and considered; and great benefit had followed the recognition by law of their rights. He, therefore, felt called upon to tender his acknowledgments to the right hon. Baronet, not only for the good he had done in this respect, but also for the mode of doing it; and he believed he was now speaking the opinions of every man concerned in joint

stock banks. In mentioning these points, his object was to render the plan of the right hon. Baronet more complete, and less annoying to the country in carrying it into effect. The plan proposed by the right hon. Baronet, he was ready to admit, was bold and patriotic; but, like all human propositions, it had its faults, which, if not corrected, would impede it materially in its operation, therefore, he had taken this, the first opportunity, to point out to the right hon. Baronet what he conceived to be those faults, in order that they might be considered and remedied before it was too late. He had been induced by a sense of duty to take this course, but he assured the right hon. Baronet that nothing should be wanting on his part to aid the carrying out of the plan to that complete success, which the right hon. Gentleman and the House were alike anxious it should attain, and the necessities of the State required.

Mr. *M. Gore* said, he would not enter at any length into the subject of the present debate at that hour of the night, and after the general approval that had been expressed of the principle of the measure. The hon. Gentleman who had just sat down said, that this measure was founded rather on the opinions of philosophers than of practical men; but if we looked to the practical results of the system of paper credit, we must be convinced of its pernicious nature. Let any one consider the stoppage of the banks in 1793, in 1814, 1815, 1816, and in 1825, 1826. In the latter year, in six weeks, more than ninety banks stopped. The result of their embarrassment was an alarming run on the Bank of England; and in one of the dockyards, owing to the failure of the local banks, it was found impossible to pay the wages of the workmen. And on whom did these evils from the failure of local banks principally fall? On those least able to support them—on the small farmers, the small tradesmen, and poor of the neighbourhood. The bullion committee in their report expressly stated, after alluding to the general mischievous effect of paper credit, "By far the most important portion of this effect appears to your committee to be that which is communicated to the wages of common country labour, the rate of which, as is well known, adapts itself more slowly to the changes which happen in the value of money than the price of any other species of labour or commodity." He (Mr. Gore) approved of the measure of Her Majesty's Government, because it was based on the sound principle that money was a commodity, and, like other commodities, subject to the laws of supply and demand. The effect of the measure would be to prevent a superfluous and excessive currency which was only prejudicial to the real interests of the country, at the same time that it secured a full supply for every practical purpose. Mr. Locke took this view of the nature of money, when he said "Money has a value, as it is capable by exchange to procure us the necessaries or conveniences of life, and in this it has the nature of a commodity;" and in another place he spoke of "money, in buying or selling, being perfectly in the same condition with other commodities, and subject to all the same laws of value." Mr. Hume said to the same effect, that "to endeavour artificially to increase paper credit can never be the interest of any trading nation, but must lay them under disadvantages, by increasing money beyond its natural proportion to labour and commodities, and thereby heightening their price to the merchant and manufacturer." Adam Smith and all the other great writers on political economy—those shining lights who had imparted to the world the benefits of their genius and reflection—had maintained the same opinions. They were told this measure would tend to lower prices. Whatever tended to lessen the cost of production must lower prices. Every new invention, every improvement in manufactures, in agriculture, in art, in science, tended to lower prices; and if it were desirable to permit the fall of prices, it must also be desirable to raise the cost of production, and to check the progress of improvement. Then as regarded the supply of bullion; there was no reason to fear an insufficient supply. Mr. M'Culloch estimated the total available produce of the American, European, Russian, and Asiatic mines, at 9,050,000*l.*; South American and Mexican, 5,600,000*l.*; United States, 100,000*l.*; European, 750,000*l.*; Russia —Asiatic, 2,600,000*l.* In former times a great proportion of the gold and silver raised from the American mines went to Asia. Humboldt calculated that at the beginning of this century, of 43,500,000 dollars raised from the American mines, 25,500,000 dollars went to Asia. But this was no longer the case. From 1828

to 1838 the imports of bullion to Asia rapidly declined; and from 1831 to 1833 the exports of bullion from Asia actually exceeded the imports to it. At present there was again a temporary excess of imports of bullion in Asia over exports; but the prospect there was, that an increasing amount of exports of our cotton goods, yarn, and other manufactures to Asia, must effectually prevent any great drainage for the future of the precious metals. Under all difficulties and whatever might have been the dangers which encompassed the country in bygone days, the great statesman who presided over the country had refused to listen to anything that would impair the true principles of national greatness. The opinions of those who advocated excessive paper currency were, in fact, on this subject, the opinions that were promulgated in France at the commencement of the French Revolution; and in allusion to which Mr. Burke said,—

"They imagine that our flourishing state in England is owing to Bank paper, and not the Bank paper owing to the flourishing condition of our commerce, to the solidity of our credit, and to the total exclusion of all idea of power from any part of the transaction. They forget that in England not one shilling of paper money of any description is received, but of choice, that the whole had its origin in cash actually deposited, and that it is convertible at pleasure in an instant, and without the smallest loss, into cash again. Our paper is of value in commerce, because in law it is of none. It is powerful on Change, because in Westminster-hall it is impotent."

In previous periods of our history attempts had been made to lower the standard of money. The proposal was made in 1626, but manfully resisted. Again, in 1695, a time of great difficulty, with many dangers to encounter, and engaged as the country was in an arduous foreign war—a time of which Mr. Hallam says, that

"Never was the vessel of the State so near being shipwrecked."

Great inconvenience was felt from the clipping of the coin. But the Ministers of that day took the wise and manly course of not lowering the standard of value, although the new coinage which they decided on to prevent the depreciation, cost the Government no less than 2,500,000*l*. But the great men who then presided over the destinies of England refused to listen to all the pet nostrums of crude projectors. They were too firm to yield to the pressure of temporary circumstances; but held fast by those just and true principles on which alone the safety of nations could be based. By so doing they reflected credit on themselves, preserved the country from the evils that threatened it, and left to their posterity the bright example of their fortitude. He (Mr. Gore) thought that Her Majesty's Government in bringing forward the present measure, had acted on those principles which were most conducive to the welfare, the prosperity, and greatness of England, and, thinking thus, he should give the measure his most cordial support.

Mr. *Gisborne* observed that, notwithstanding the objections which had been urged by his hon. Friend the Member for Renfrewshire (Mr. P. M. Stewart), the unanimity upon the question was somewhat awful to those who, like himself, did not altogether agree with the proposition. He felt it necessary to say, in the first place, that he adhered to the interpretation of the pound as laid down by the right hon. Baronet, but what he contended for was the principle of free-trade as regarded those two subjects, money and issues, which, as applied to all other subjects, he was told, was the principle of common sense. And in this respect he could not allow his hon. Friend the Member for Halifax to claim the credit of a philosopher on account of any new theories he had laid down; to him, his hon. Friend appeared simply in the light of an anti-free-trader. He had been told that the amount of currency in circulation operated upon the price of commodities; that, however, was a theory which had never yet been completely established in his mind, and that doctrine was based upon another, which he found laid down in Mr. Jones Loyd's evidence, viz., that the only way in which a paper currency could be maintained of the same value as gold was, that the gold conformed in amount to the actual quantity represented by the paper. It was evident, however, that the parties who advanced these various doctrines, were by no means agreed as to what currency meant. Some considered bills of exchange and bankers' checks as currency, but that which appeared to him as the most correct definition of currency, was the Latin definition—

"Quod semper, quod ubique, quod inter omnes,"

and that also was in accordance with the opinion of Mr. Jones Loyd. With regard to the effect of currency upon prices, he believed if the Bank issued a million of Bank-notes it would not affect the prices of

commodities, and as to the value of money, that, he believed, was regulated by the interest which could be obtained for it, not in the public funds, but at a private bank. The enlargement of the currency, therefore, would produce no effect upon the price of commodities. He distrusted the two great principles upon which the measure of the right hon. Baronet was founded, and he felt quite confident that its tendency would be to lower the range of prices; by substituting bullion for paper to a greater extent than at present in the currency of the country. As to the measure of 1819, he thought it did not fix a proper standard of value; but he did not attribute to it the misery and commercial embarrassments which resulted from the measures by which it was accompanied. The effect then was an alteration in prices to the amount of 4 or 5 per cent., and the effect of it was, that gold could not be retained in the country. He contended that the measure now proposed would lock up in the Bank of England the bullion at present contained in it. It could only be got out by sending in Bank of England notes. Now then, why did not the Bank employ that gold and expand the currency? Because nobody would give them anything for it, which would make it worth their while to bring it out. In fact, the Bank could not increase the currency, or force the employment of a currency which the country did not require. It could not expand the currency without increasing its own risks. Under the measure they would have a weekly return of 30,000,000*l.* of notes. But of these 10,000,000*l.* might be lying idle. How then, he would ask, were they to know how much of the currency thus returned was really active, and how much of it was passive currency lying unemployed? He understood that the Ministry, for the present at least, had given the go-bye to the question of a single bank of issue, and he was glad of it, for he thought that no bank should be entrusted with such extensive powers. He could not help observing, that although much weight had been attached to the opinions of Mr. Jones Loyd, and other witnesses examined before the Currency Committee, that there were many authorities entitled to be listened to who dissented from those opinions. However, it appeared that the right hon. Baronet had found means to still all opposition. He had given the country bankers a bonus; and, as he understood, a guarantee that they should not be again meddled with for ten or eleven years. He would take another opportunity of adverting to other points of the subject. From what he heard, it was likely that on the second reading of the Bill there would be a full discussion, and he reserved the full exposition of his views until that occasion.

Mr. *Newdegate* rose to call the attention of the Committee to one point, and to beg that the right hon. Baronet would afford some explanation respecting it. It was one of general interest and application. In the matter before the Committee, important as it was—proposing to secure ends the most desirable, those of confirming the credit of the country, and ensuring the steadiness of its Currency—he feared that there was involved one principle injurious to the labour and productive capital of the country. He felt a very serious doubt upon this point; but at the same time, feeling the greatest confidence in the Government—knowing the great experience and infinite prudence of the right hon. Baronet at its head, he was sure that the subject must have attracted his attention. Several hon. Gentlemen had, in the course of the debate, expressed opinions upon this branch of the subject with which he could not agree—for he did think that the amount of circulation affected prices most materially. The quantity of money circulated varied inversely with the prices of commodities. If there was a large amount in circulation, prices would rise—if a small amount, prices would fall. He would, therefore, suggest this doubt, not only as agitating his own mind, but that of many others. It was how far the extension of the principle of the Act of 1819, as carried out by the alterations in the system of issue and of the re-organization of banking establishments taken together—as now proposed by the Government—would, by limiting the amount of the circulating medium, taking the average of the last two years, without reference to the increase of production in this country, affect prices. For if the quantity of commodities produced increased in amount, while money remained stationary, would not the prices of commodities fall in proportion to the increase of their quantity?

Mr. *F. T. Baring* said, with reference to the remarks of the hon. Member for Renfrewshire (Mr. P. M. Stewart) "that the present Measure had been partially prepared by the late Government;" he felt it right to state that the merits or demerits of the measure belonged to the present Government; he had not had the impertinence to leave any proposition for them when he left office; he had left it, how-

ever, with a confident hope that no measure proposed by the right hon. Baronet on the subject of the currency, would be founded on principles which he (Mr. Baring) should oppose. His hon. Friend and those who objected to the measure, had been inclined to slip away from the consideration of the actual position in which things stood. In what position did things stand, and on what principle were the issues of paper now regulated? On the occasion of the last arrangement of the Bank Charter, under his noble Friend Earl Spencer, there were two distinct principles laid down, or rather shadowed out. There was in the arrangement, a regulation, which was supposed to govern the future conduct of the Bank relating to issues, and at the same time, and for the first time, the average of the issues and the amount of bullion were published, with the view that private banks should guide their proceedings by these returns. These, he apprehended, were the two great advantages of the proposal of his noble Friend. Now had either of them been carried into effect? So far as regarded the Bank, it was under no regulation as to its issues. It might with respect to them adopt any principle which it pleased. The last Bank Committee had distinctly withdrawn the regulation under which the Bank was supposed to act. So far as their legislation went, the Bank was entirely at liberty as to its issues; but with regard to private and joint-stock banks, would any body venture to tell him, that these establishments had conducted themselves on the principles which it was expected that they would proceed on when the amount of bullion in the Bank should have been published? There was no attempt on their part to show that they had done so. The right hon. Baronet opposite had stated the evidence in the Bank Committee, showing that private and joint-stock banks by no means considered that they were bound to look at the tables published—except, indeed, as a matter of curiosity—and not with any view of regulating their operations. The same result was come to by the Committee on Joint Stock Banks, who had reported their opinion to that effect. They were therefore in this condition—they had no regulation whatever as regarded the issues of the Bank of England, or the issues of private banks. He might be told that this was all very well, but it was the business of a statesman to look at the facts, and judge whether the system had not worked well. Now he was not going over the late periods of difficulty and embarrassment, but a man must have entirely lost his memory if he did not feel that during the last five years they had experienced enough to show that it was advisable to make some endeavour to place their circulation in a wholesome and sound condition. Attempts had been made by one party to throw the blame upon the Bank of England, and by another upon the private banks; but so far as the necessity of legislation was concerned, it was a matter of indifference to which the blame attached. It was no argument in favour of the existing state of things, to tell him that the Bank of England, on the one hand, or that private banks, on the other, were to blame. It was the system which should be amended, and the circulation placed, as far as they could place it, under proper regulation. His hon. Friend near him had stated, that this was a plan verging upon one bank of issue. He confessed, that it was not generally advisable in these cases for the Government to state very broadly the principles upon which they acted, but he thought that it was impossible for the House, on this occasion to move, without having laid down in their own minds what was the right object to which they ultimately aimed. If it be maintained that it was right to have entire free-trade in issues—if that was their object, let them steadily keep it in view. If, on the other hand, the House should be of opinion that this was not a right system—if it should be of opinion, that they ought to confine the issue to one single bank of issue, whether a national bank, or by dealing with the Bank of England, then they ought not to conceal from themselves the principle they were inclined to urge. He had no difficulty, as far as he was concerned in stating that the strong inclination of his mind was in favour of a single bank of issue, and he was not deterred from supporting the measure of the Government, because it was said that it tended to that end. What was the right hon. Gentleman's object? That the circulation, composed of metal, and of paper, should vary as if there were an entirely metallic circulation. He could effect that object by a single bank of issue, but it would be impossible, if they left it to a free-trade in banking, where there would be competing banks, ever to attain it. Let him not however, be misunderstood. They might sweep away the Bank of England and have a free-trade in issues, and yet the ultimate result of the exchanges would bring them back to a right position. In the case of a

single bank, however, they would be brought right by an immediate action on the exchanges, as gold went out, the circulation would be diminished. With respect to a system of private banks the result might be ultimately the same, but there would be a long time during which there would be no contraction of the issues, and they would be brought right by one great crash which would carry ruin throughout the country. He was not frightened at the project of a single bank of issue; if he were to lay down in a new state of society the principle which would be most correct, he would prefer a single bank of issue even to the mixed circulation left by the right hon. Gentleman. He admitted freely, that, the right hon. Gentleman had not carried his principles into full effect; he was, far, however, from considering that a defect, he was far from blaming it, because the right hon. Gentleman had thereby got rid of the opposition of the great bodies which might have thrown difficulties in his course. The right hon. Gentleman was not liable to blame; he had rather shown prudence and caution, and had not rendered it less probable, that he would arrive at the object which he (Mr. Baring), for one, would not dislike to see. He would not then enter into the details of the measure. He rejoiced that the right hon. Gentleman had given time to the House and to the country to consider this measure, before it was discussed, because there were points on which his objections had been removed by further explanation of the right hon. Baronet, and there were others with respect to which he now placed less reliance on his first opinions in consequence of the further consideration and communication with others. As there would be many opportunities for entering into the details, he would not enter upon them that evening. In the debates which would take place, without pledging himself to vote for every particular, he hoped to be able to give to the measure an honest support, and to carry on the discussion with a sincere intention of giving effect to the spirit of the Bill.

Mr. *Plumptre*, as a private country banker, regarded one of the principles of the measure with delight. The limitation of the issues was of great importance, but he thought that limiting them to the average of the last two years was dealing out to them rather a hard measure, because it was well known that, in the manufacturing and the agricultural districts, there had been a great limitation in the issues during the last two years. If the hon. Gentleman could persuade the Government to extend the average for the limitation from two years to five, he would be most happy to assist him. Although the end which might be ultimately arrived at was a single Bank of issue, he did not see in this measure, as a necessity, a first step towards it; for, if he so thought, he would give his opposition to the proposal. He trusted that the plan would work according to the right hon. Gentleman's expectations, but, as a member of the community and of Parliament, he feared that the plan might lead to an unnecessary construction of the currency, and therefore might end in a reduction of prices.

Mr. *Muntz* intended to reserve the few remarks he had to make to a later stage of this measure, but as the hon. Member for Halifax had alluded to him, he must say that he was the last man who objected to any quotation of what he wrote or said, for he never said what he did not believe to be true, and he never wrote anything to which he did not put his name. He had attended to this subject for a great many years, and he had read the authorities referred to long before the right hon. Gentleman, for he had read Harris, Locke, and others, at the time the right hon. Baronet was Secretary for Ireland. That, however, did not alter the state of the case. The great question for their consideration was, whether the right hon. Baronet's was a sound or an unsound principle. When the right hon. Baronet had fully carried out his principle and his intentions, if the right hon. Baronet succeeded, he would be the first to declare that the right hon. Gentleman was right, and that he had been wrong himself all his life. But till the price of land, and the produce of land, and the value of labour bore the same relative value to gold and silver as they did at the commencement of the trial, then the principle would be tested, and not till then. He was not surprised at Gentlemen on that (the Opposition) side of the House expressing their approbation of this measure, because they were desirous that prices should be reduced to the continental level; but how those on the other side, who believed that the price of corn here should be by many per cent. higher than on the other side of the channel, could support the plan he could not conceive. He did not justify the Corn Laws as an abstract question, and he had, therefore, always voted against them, but it was his duty to state what the effect of

this measure would be. The right hon. Baronet was very pleasant the other evening in referring to a publication issued at Birmingham, considering him as the author. Now, he was not the author; and he never had advocated an inconvertible paper currency. The only question at issue between him and the right hon. Genman was the amount of the precious metals into which the paper-pound should be converted. He did not object to the conversion to some certain amount, but whether it should be the same amount here as on the Continent, where corn was less in price, he doubted. He said, therefore, that the Corn Laws must be repealed, or the right hon. Gentleman's measure could not be carried out and fairly tried. He was very much surprised to hear it stated, that the country bankers should regulate their issues according to the exchanges; for though the country bankers were a very respectable body, there was not one in twenty of them who understood the exchanges. Although the right hon. Gentleman was quite right in carrying out his principle, he had encumbered it with much unnecessary machinery. He did not believe that it was necessary to interfere with ths country banks; he was satisfied that without mentioning the private banks, or the Joint Stock Banks, the whole might be regulated without interference with them. If a law were passed which would work by itself, without any interference by Her Majesty's Ministers, or by Her Majesty, by which the Bank of England would be obliged at all times to keep a certain amount of bullion, the whole good would be effected. There was another point to which he objected: that the Bank issues and the banking business should be under the same roof and the same direction. He did hope that they would place the bank of issue in other hands than those of the Bank of England. There were also two other points which he wished shortly to mention. In all instances of panic during the last twenty-five years the Bank had never taken sufficiently early measures for contracting the circulation; and, therefore, it was not fair to say that the want of care was attributable to the country bankers. He believed that bullion to the value of one-half the amount of paper in circulation ought always to be kept by the Bank. As to the misconduct of the joint-stock banks, he did not see how they could prevent mismanagement and speculation by legislation. He could not, for instance, see how speculation in Spanish bonds, to which the right hon. Gentleman had alluded, could be stopped by legislation. The right hon. Gentleman was at length about to do what he was bound to do—to carry out his own principles completely. He was now pledged to it himself, and he had pledged the Bank of England, so that they would now see whether his measures were sound.

Mr. *Charles Buller* would not at present enter into the reasons which made him differ from most of his Friends on that side of the House, and from the Gentleman who had spoken on the other side, and made him very reluctant to admit the merits of the proposition of the right hon. Baronet. Undoubtedly the purpose of the right hon. Baronet was very praiseworthy, but his measures would not have the effect of placing matters on a sound and healthy footing; on the contrary, he believed that they would have the effect of substituting a more unsafe form of credit than at present prevailed. It was extraordinary to hear the confusion which prevailed between sound principles of banking and sound principles of currency. There was only one argument of the right hon. Baronet to which he would advert, and he did wish to guard the House against the impression which his statement had made, and against the supposition that the facts supported his conclusion. The right hon. Gentleman said it was necessary to control the system of issues by country bankers, and he therefore read an alarming list of the failures of private banks; but when he mentioned the proportion of these private banks which were also banks of issue, the argument appeared to tend more against the system of banking than against the issue of notes. Out of the eighty-one banks which had failed during the period mentioned by the right hon. Gentleman, the banks of issue were only twenty-nine whose failure might be ascribed to their issuing notes, but the failure of the other fifty-two could not be ascribed to that cause. And when the right hon. Gentleman adverted to the widely spread ruin which followed the failure of those country banks, he must ask whether all the country bank failures could produce such instances of injury as had occurred from the failure of one private bank in London which he could

mention. It appeared to him that the Returns did not bear out the argument of the right hon. Gentleman. He had hoped when the Return was made, that they would have procured more information; he had been led to hope that the amount of outstanding notes at the time of the failure of the bank would have been given, that however, was not in the Return, and they could not tell what had been the amount of mischief from the non-payment of notes. There was, however, one remarkable case in point, the difficulties of the Northern and Central Bank had occasioned little loss to the holders of notes. He begged the House, therefore, not to be carried away by a conclusion which the facts failed to prove, for there must occur in every country where banking is allowed, failures from different causes, which the issue of notes could not produce.

Sir *R. Peel* observed, the hon. Gentleman had said, that many banks had failed which were not banks of issue; but when he spoke he was addressing himself to the memorial of the joint-stock banks, in which it was stated that the present system of banking was perfect, or so good that they deprecated any alteration. He had stated, that it was difficult to maintain this perfection after the experience of the last twenty-five years, when he found that during three years 240 banks had failed, and that during the last four or five there had been eighty-five failures, it could not be inferred that the present system was excluded from all possible improvement. He thought he had proved that the powers of issue were a great encouragement to the establishment of banks and to their mismanagement. It was true that other banks might mismanage their concerns, but he was going to try and improve the system of banking generally; he was about to remedy the evils under which the Joint Stock banks laboured; he was about to provide that, on the establishment of joint-stock banks, a certain portion of the capital should be paid up, and he was about to introduce new modes of management. Although he could not control every private bank, although there might still be transactions in railway shares and in Spanish bonds, yet he would call upon the public to exercise vigilance and caution in their transactions, and if they placed their confidence in banks which were badly managed they must suffer for it. He rejoiced that the right hon. Gentleman (Mr. Baring), and the hon. Member for Birmingham, made so near an approach to his views. He had never done the latter hon. Gentleman the injustice of supposing that he was the author of the letters he had quoted, the letters might be the production of one of the hon. Member's constituents. He was glad to hear, however, that the hon. Gentleman advocated a standard price, only that he thought it should be in corn, and not in gold. The hon. Member deprecated any interference with banks, and yet he advocated a law which fixed a certain amount of bullion, but how could the hon. Gentleman deprecate such an interference when he would have enacted such a law? If paper were to be convertible into gold, what would be the details of the hon. Gentleman's measure by which he would compel the Bank to make the conversion. He said, "here are ten millions which you are never to touch, here is a sacred deposit." [Mr. *Muntz* had not advocated non-interference with the Bank.] How a bank which was always liable to pay on demand could be made to do so, when there was a fixed amount of bullion, he could not tell. My hon. Friend (Mr. Newdegate) continued the right hon. Baronet, has put a question to me, which is important, because, although it was put briefly, yet it includes the chief objections which are felt by many to the measure which I propose; and I am anxious, both on that account, and from feelings of esteem for a young Member of this House, who will, I am sure, distinguish himself, to give an answer to it. The question of my hon. Friend was this—"How far the extension of the principle of the Act of 1819, as carried out by the alteration of the system of issues, and by the re-organization of banking establishments, taken together, as now proposed by the Government, will, by limiting the amount of circulating medium and the facilities for circulation to the average of the last two years, without reference to the increase of production in this country, affect prices? For, if the quantity of commodities produced increase, and the amount of money remain the same, will not the price of commodities fall in proportion to the increase of their production?" To this question my answer is, that the present measure is not an extension of the principle of the Act of 1819—it is the fulfilment and complement of that Act, but it

does not carry the principle of a metallic standard farther than it was carried by the Act of 1819, That Act restored a metallic standard; it required that promissory notes should not be issued excepting on the condition that they were convertible into gold at the will of the bearer. They are issued on that condition. Under the system that exists, they may not, for a time, conform in value to gold—they may be issued in excess—they may be the means of affording a greater degree of temporary accommodation than could be afforded by a metallic currency—they may increase prices, and create for a time the appearance of prosperity. But they do all this with the certainty of ultimate reaction,—the certainty that the time must come when, if you adhere to a metallic standard, and if you maintain it unaltered, that standard will assert its supremacy, will refuse to conform to the value of paper, and will require that paper shall conform to the value of gold. When the depreciation of the paper is sensible,—when it becomes a matter of notoriety, the law enjoining its equivalency to coin will be enforced by every holder of paper, from the man whose whole property is a single five-pound note, to the great capitalist who influences the foreign exchange by the extent of his dealings in money. The certain means of realising a small profit will impel every holder of paper to demand coin in exchange. What advantages will there have been in the temporary accommodation, what advantage in the temporary increase of prices, if they are to be followed—as I contend they inevitably will—by such a contraction of paper as will make it equal in value to coin? Let us not confound that accommodation which is afforded by the liberal advance of capital, that increase of prices which springs from general prosperity and increased demand, with the accommodation and increase of prices which rest on no surer foundation than an undue issue of paper. I call it an undue issue, if its value do not conform with that of the coin which it professes to represent, and which the law has made the measure of value. I have thus given to the question of my hon. Friend that answer which I believe to be a satisfactory answer, provided you admit that there is, and that there ought to be, a metallic standard. He had omitted to mention one evidence of the operation of inconvertible paper. In 1797 there were only 240 private banks, but the moment liability to convert was removed, more of these banks were established, and when they had to deal eight or ten years afterwards with them, their number had increased from 240 to about 800; it was because they found such great advantages in inconvertibility, that the banks of issue were so much increased.

Lord *Worsley* had looked through the average issue by private banks in each county in England and Wales since the year 1834 to September 1840, and had taken the county of Lincoln as a great agricultural county, and observed in the return of issues from that county, which was the largest with the exception of Yorkshire, the fluctuations which had taken place. The right hon. Baronet had stated, that he wished that the issues of country banks should be limited to the average of the last two years. He found, however, in the county of Lincoln that there was a great difference between 1842 and 1843, as compared with some of the previous years, the issues varied according to the price of agricultural produce, the condition of the farmer, and the consequent demand for money amongst that class. This was proved by the fluctuations in the March and June quarters, caused by the fairs, as exemplified in the following return for Lincolnshire:—

Year.	March.	June.	Amount of fluctuation.
	£.	£.	£.
1834	400,675	475,047	74,372
1835	353,616	432,640	79,024
1836	370,031	454,439	84,408
1837	382,272	441,973	59,701
1838	350,226	449,370	99,153
1839	385,335	472,808	87,473
1840	385,187	469,334	84,147

He found, by a calculation which the Chancellor of the Exchequer had been kind enough to order for him, the nature of the Returns at the present time. The average circulation of the year 1841 was 387,000*l.*, in 1842 350,000*l.*, and in 1843 314,000*l.* From 1825 only one bank in Lincolnshire had stopped payment, and that had paid 20*s.* in the pound. It was evident, from the facts he had stated as to Lincolnshire, that in agricultural counties the amount of issues depended on circumstances, and it was scarcely fair to take

the average of so short a period as the limit of the issues of country banks.

Sir *Robert Peel* asked if the banks which the noble Lord referred to were private banks?

Lord *Worsley* said, there was only one joint-stock bank in the county.

In answer to a question from Mr. Thomas Baring,

Sir *Robert Peel* said, I understand my hon. Friend to imply a doubt as to the policy of that part of the plan which will limit the issue of the Bank upon securities to a gross amount, and will require that the profit of any issue upon securities that may be permitted, under certain circumstances, beyond that amount, shall belong to the public. My hon. Friend asks, what inducement will the Bank have to supply any void that may arise in the country circulation, since the Bank is to have no profit for an issue made for that purpose? I answer, in the first place, that we must assume that the Bank will feel an interest, apart from the mere consideration of pecuniary profit, in increasing its control over the general circulation, and thus diminishing the risk that the action of the Bank upon the exchanges, whenever such action is necessary, can be counteracted by other issuers of paper. In the second place, the Bank may protect itself from loss by supplying the void that may be created in the country circulation, and will thus have a direct pecuniary inducement to supply it. Suppose the notes of the Bank, issued for the circulation of the metropolitan district and for the general purposes of commerce, to amount to 22,000,000*l.*, and that the banking department has a supply of 6,000,000*l.* of notes lying dormant, received from the issue department in exchange for gold; suppose also 2,000,000*l.* of the country circulation to be withdrawn, and a demand therefore for an increased issue beyond the ordinary circulation of 22,000,000*l.* to arise; it would in that case be a source of profit to the Bank to supply the void from the stock of notes in the banking department, without requiring permission from the Queen in Council, to increase its issues upon securities. Let us now take the case of there being no stock of unissued notes in the banking department, justifying the supply of the void from that department. The Bank would then have no alternative but to supply the void, with the consent of the Privy Council, by an issue upon securities beyond the amount of 14,000,000*l.* The question is, what interest will the Bank have in seeking permission to make such an issue, as the profit will belong to the Government? I answer, that the Bank, by obtaining such permission, will protect itself from a loss to which it will be otherwise liable. According to the assumption, the void in the currency takes place, and is not supplied by the Bank from its ordinary resources. The notes remaining in circulation will then become more valuable; there will be an influx of gold; and that gold will be tendered to the Bank, which must give notes in exchange for it. On that issue there would not only be no profit, but there would be an absolute loss, amounting to the charge of the manufacture and the issue of notes, which, in the case supposed, will fall upon the Bank. Should the increased issue take place upon securities, although the nett profit will belong to the public, yet the charges also, namely, the commission of 1 per cent. upon the issue, and the expense of the notes, must also be defrayed by the public; and it will be less disadvantageous to the Bank, under the circumstances supposed, to issue notes upon an increased amount of securities, than upon gold. He should be glad, the right hon. Baronet continued in reference to Lord Worsley, to attempt to relieve the noble Lord's anxiety with respect to country banks; the noble Lord feared that, by taking an average of the last two years, there might be some inconvenient restriction on the issue of country banks, and, therefore, a diminution of the accommodation given to agriculturists. The noble Lord said, that, during a considerable portion of the last two years, there was a depression in the price of agricultural produce and there was a panic; and, therefore, it was unfair to take the last two years. Now he would just read the issues of country banks for the last six months. They were represented by these figures: 3,400,000*l.*, 4,900,000*l.* 4,500,000*l.*, 4,800,000*l.*, 4,900,000*l.*, 4,900,000*l.* These were the average monthly issues of country banks for the last six months, during which period there had been no panic, and no great depression of agricultural produce. Was he going to call for the reduction of these issues, an average which would tell inconveniently on the banks, and restrict their issues? Take the first six months which he was going to admit into the average;

he must begin, of course, with May, 1842. The noble Lord would observe that the last six months never in any case exceeded five millions. He would take the first six or eight months he was going to permit country banks to take into the average, and beginning with May, it was 5,360,000*l.*, 4,999,000*l.*, 5,100,000*l.*, 5,100,000*l.*, 5,098,000*l.*, 5,488,000*l.*, 4,434,000*l.*, 5,085,000*l.* So that he was going to permit the country banks to have an average of two years, and he showed to the noble Lord that the first six months of these two years exceeded, in every case but one, five millions; and in the last six months there was no depression of price, no panic, no want of accommodation. He asked the noble Lord whether he had satisfied him that country banks could extend their accommodation. The noble Lord said, that Lincolnshire was a fair test. Now, he believed that Lincolnshire and Leicestershire were the counties in which there was the greatest variation in the amount of issues. At one time in Lincolnshire it was 4,100,000*l.*, at another time 4,500,000*l.*, the mean was 4,250,000*l.* What could prevent the Leicestershire banks keeping 40,000*l.* Exchequer Bills, and to provide for an increased circulation of notes, by selling out 25,000*l.* of the Exchequer Bills, demand notes of the Bank of England, and supply the accommodation as usual with Bank of England notes? This was all he asked them to do. He did not ask them to make a deposit as of securities. All he asked of them was, if they wanted 25,000*l.* more, to supply that out of capital and not from credit. There were seventy banks, which contrived to give accommodation without any issues of their own. He left to these banks the power of issuing 4,250,000*l.*, and if on any occasion they wanted an excess, all he asked of them was to give security for that excess, to supply it from the capital.

Lord *Worsley*, the times taken by the right hon. Baronet in his statement of figures were just before a panic began, and just after a panic had ceased.

Resolutions agreed to.

House Resumed, Resolutions to be reported.

House adjourned at half-past one o'clock.

HOUSE OF LORDS,

Tuesday, May 21, 1844.

MINUTES.] BILLS. *Public.*—1ª. West India Relief, etc.; Education Grants Security; Relief of Insolvent Debtors Amendment.

Reported.—Law of Libel Amendment.

Private.—1ª. Sidmouth and Collumpton Road.

2ª. York United Gas; Coventry Water Works; British Iron Company: Leeds and Bradford Railway.

Reported.—Haltwhistle Inclosure.

3ª. and passed:—Blythswood Estate (Campbell's); Dowager Lady Rivers' (or Rigby's) Estate; Leeds New Gas; Padstow Harbour.

PETITIONS PRESENTED. By the Duke of Richmond, Earl of Harewood, and Marquess of Exeter, from Southorpe, and an immense number of other places, for Protection to Agriculture.—By Duke of Richmond, from Little Yeldham, for inflicting the Punishment of Death, and from Toppesfield, and Great Yeldham, for a more severe Punishment than the present, on persons convicted of the crime of Arson.—From the County of Peebles, for placing the Perth Penitentiary on the same footing as English Penitentiaries, and also on the subject of Assessment for the Maintenance of Prisons (Scotland).—By the Earl of Galloway, from Kirkcudbright, and Strathbogie, for Improving the Condition of Scotch Schoolmasters.—From John Williams, of Devon, relating to an Improved Method of laying down Water, Gas, and other Pipes, and for the Construction of Sewers.—By the Duke of Richmond, from Cullen, and Buckie, against the Dissenters Chapels Bill, and for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Rotheram, against the Creditors and Debtors Bill.—From Haddon, against the Union of St. Asaph and Bangor.—By the Earl of Auckland, from Agricultural and Horticultural Society of India, for Admitting Wheat grown in that country into Great Britain, on the same terms as Wheat from Canada.

TUNISIAN JUSTICE.] Lord *Beaumont* said, that he rose in compliance with the notice he had given, to move that an humble Address be presented to Her Majesty, praying that the correspondence between the Foreign Office, and the British Consul at Tunis, be laid before the House, as far as that correspondence regarded the recent trial of a Maltese subject for the crime of murder, and had reference to the interference of the French and other European Consuls in the affair. Although he had been given to understand, that no objections would be raised on the part of the noble Earl, to the production of the Papers, he (Lord Beaumont) thought it necessary to relate, albeit briefly, the circumstances to which he alluded, and which formed the grounds of his present Motion; because those circumstances, unless fully explained, as he had no doubt they would be to the satisfaction of their Lordships by the noble Earl, might establish a precedent, as well as involve a principle. They might establish a precedent which, if allowed to pass unnoticed, would be followed by the most fatal results both with regard to the welfare of the Ottoman dependencies on the Barbary coast, and to the independence of

the Powers having treaties with those States; a precedent which would not only be injurious to our allies on the coast of Africa, but might eventually endanger our own liberties in the Mediterranean; for unless the Government here firmly protested against the undue interference of the French Consul in the affairs of the Barbary States, our relations with those States would depend upon the good will of France and our negotiations whether commercial or political would be at the mercy of a foreign resident. It involved a principle, for if we submitted to the dictation of the French Consul in this case, we not only abandoned our special treaties with the Barbary States, but actually infringed our treaties with the Sublime Porte itself. In addition to these strong reasons for drawing their Lordships' attention to the subject, he must say that he was influenced by another motive on the present occasion, namely, the hope that by placing the Papers he had moved for in the hands of the House, he would be affording assistance to the noble Earl himself in the consideration of that important subject, which must very soon occupy his attention,—a total change in the system of our Consular Criminal Jurisdiction in the Levant. The abuses which existed under that system were so notorious and the injustice consequent on it so great, that some steps had already been taken to modify the evil, and no doubt could be entertained of the wish of the noble Earl to remedy it altogether. As to the particular case to which the Papers moved for had reference, the facts he believed to be those he was about to narrate. A double murder, attended with the most horrid and revolting circumstances, had been committed in cold blood by a Maltese at Tunis. The Dey's police were immediately informed of the occurrence, and the murderer was arrested by the proper authorities. The Dey proceeded to bring the accused to trial, and showed a determination to see justice done to all parties. In the course of these proceedings, it was necessary for the Tunisian Government to consider how a British subject could be brought to justice without infringing the privileges afforded to British subjects by the protection of the English flag, and it also became the duty of the English Consul to consider what course he was bound to adopt in reference to the treaties we had entered into, not only with Tunis but with the Sublime Porte. The difficulty, however, did not appear to be so great in respect to the line of conduct dictated by our conventions with Tunis, as it would have been had the circumstance occurred in some other portions of the Ottoman territories. For, in looking over the Special Treaties that existed with the Barbary States, the course of proceeding in criminal cases where an English subject is concerned, seems to be laid down in the most clear and simple manner. The Treaty he (Lord Beaumont) particularly alluded to was the Treaty of the 7th of January 1824, and to the spirit of which Treaty it would seem Sir Thomas Reade had strictly adhered. According to that Treaty the accused, if an English subject, is to be tried in the Dey's court of justice, and if the crime for which be is tried is a capital offence, the British Consul is to be informed two days previous to the trial, in order that he may have an opportunity of being present and seeing that the proceedings are conducted with fairness. It is also provided by the same Treaty, that a respite of two days should be allowed the prisoner after his sentence, but that at the expiration of the two days the sentence should be carried into execution. During his detention, and subsequent to his sentence, access to the prisoner was to be afforded to the persons who should undertake his defence, and his body was to be delivered up to his countrymen immediately after the execution in case he should suffer death. These terms had been strictly complied with. The Dey's officers gave the proper notice to the British Consulate; the British Consul was present at the trial; the Dey himself attended at the court; the Cadi heard the evidence at length, and listened with attention to the counsel for the prisoner. The sentence was passed according to the law, and a respite of two days granted in compliance with the Treaty. At this period of the proceedings, at the very moment when the charge against the prisoner had been fully proved, and the sentence passed upon him been approved of by the British Consul, the French Consul without any right, or colour like to right, steps in between crime and justice, interrupts the execution of the sentence, denying the authority of the Court and setting at nought the opinions of the English Government. This presumptuous functionary, not satisfied with intruding his assumed authority in a case which did not concern him, attempted to trample under foot the influence of England at the Dey's court, and backed by that rubbish the Christian population of Tunis, raised a cry against the British

Consul and almost excited the rabble to violence agalnst his person. He claimed, as the right of his nation, the privilege of protecting from condign punishment all Christians in Barbary who should render themselves subject to condemnation by the Courts of Criminal Jurisdiction. In support of this ridiculous claim, he quoted and attempted to set up a Treaty which, if in force, could only apply to Syria, for it was a mere convention between the Porte and France for the better protection of certain convents and the Christian population near them in Lebanon. He (Lord Beaumont) need scarcely point out the absurdity of applying a Treaty regarding Syria, or rather a district of Syria, to a state on the Barbary coast, for every one must know that a wide-enough distance separated Tunis from Syria. This unwarranted interference—this ridiculous assumption of power, this monstrous attempt to over-rule the authority of Sir Thomas Reade had, he (Lord Beaumont) regretted to state, been supported by all the Consuls except the American. So evident had been the intention to destroy the influence of the British Consul and deprive the Dey of the advantage of his Treaties with us, that unless the Government should demand a full explanation from the Foreign Powers, or else the actual recall of the French Consul, we should be sacrificing not only our political importance and national honour in the north of Africa, but endangering the welfare of our commerce with Barbary. If the French Consuls were allowed step by step to usurp all authority at Tunis and at Tripoli, and thus extend at pleasure their power along the coast, the Mediterranean would then become in reality what French ambition had long intended it should be, "a French lake." When to these positive acts of usurpation on the part of French Consuls, he connected the ominous appearance of a pamphlet, penned by the hand of one of the Blood Royal of France, when he found an elaborate comparison drawn between the naval resources of the two countries in case of a war, and suggestions thrown out of the superiority of Toulon and Marseilles over Gibraltar and Malta, as stations for war-steamers, when he saw such appeals addressed by such authority to the Navy of France, and knew that, while such exciting but uncalled for questions were designedly mooted, the French Consuls were setting at defiance the British Consuls in the ports of Barbary, he said it was time not only for the Foreign Office, but also for their Lordships to pronounce an opinion, and say, that such interference would not be submitted to. He would now allude to the other, and equally important subject, or portion of the subject, to which he had made reference in the commencement of his observations, namely, the present state of our criminal jurisdiction in the Levant. At present the protection afforded by the British flag was little more than a shelter for burglars and murderers, and he himself could from his own experience quote many instances of criminals escaping punishment altogether, because the Consul had no proper tribunal, before which they could, under existing circumstances, venture to bring them. There were well known cases in which the parties implicated, being composed of both Mahomedans and Christians, had, according to our Treaties, been divided after their arrest into two distinct classes; the one subjects of the Porte, the other Christians claiming British protection, and while the former had suffered the extreme penalty of the law, their accomplices, the latter, though equally or perhaps more guilty, were allowed to go scot free, and set all justice at defiance. There were other cases in which the Consuls had permitted the laws of the place where the crime was committed to be put in force, and there were some instances where the Consuls themselves had been active in bringing their infamous protegés to justice—but what had been the consequence? These deserving officers were threatened with actions by the friends of the criminal, and some of them had never ventured to return home in consequence of the actions they would have been exposed to. Another question connected with the subject, and which deserved the attention of the noble Earl, was the limitation of the protection afforded by the British flag. That privilege had been long frightfully abused, and the consequence was, that it had become extended to the very dregs of society, the lees and offal of the crowded population of all eastern towns. Who were they who claimed this protection? Were they respectable British merchants? Very few of the protected class could come under that denomination. Were they descendants of British residents only? No. —Were they Englishmen at all? Very few of them had a drop of English blood in their veins. They were for the most part the very dross of the native Greek population — outcasts, who had bought through a worthless dragoman, this pro-

tection, and only used it to commit with impunity every species of crime. It was a subject of traffic, and the chief purchasers were men who rob, murder, and commit the oldest crimes the newest kind of ways. He (Lord Beaumont) need not add how such a system brought the name of Christian into disrepute, and how desirous even chance visitors to that country were of weeding their establishments of indecent Christians, and engaging in their stead the honest Moslems. The noble Earl must be aware of this, and he (Lord Beaumont) trusted that the Foreign Office would devise some means to put an end to such a disgraceful state of things. He was sorry to see from the Maltese papers, that the inhabitants of Malta had warmly taken up the cause of the guilty man, and had even gone so far as to present an address to the French Consul, praising him for his interference, and blaming Sir Thomas Reade for his having allowed the murderer to be brought to justice. He (Lord Beaumont) could understand their fellow-feeling for their countrymen, but after the proof of his guilt, they surely ought to have been actuated by a love of justice, and sunk all inferior feelings in a sense of horror and disgust for the murderer. After a few more observations on the Maltese address, the noble Lord concluded by moving for the Papers.

The Earl of *Aberdeen* said, he was sorry he could not help admitting, that it would be difficult to exaggerate the evils which arose from the insufficient and feeble administration of justice in the Levant. The subject was one which had long been under his serious consideration. Some years ago it had engaged the attention of Her Majesty's Government, and the noble and learned Lord opposite (Lord Campbell) had made it the subject of very deliberate consideration; and last year he himself had introduced a Bill which became law, and the provisions of which he hoped would enable him to apply some of those remedies which the necessity of the case appeared to require, and which were in truth indispensable. He should not object to lay upon the Table of the House those Papers which the noble Lord wished to have produced. The case which had been referred to was one of cold-blooded murder, deliberately planned, and executed in broad day. The course pursued by the English Consul was quite conformable to the provisions of treaties that had been entered into, and was fully sanctioned by the highest legal authorities. With respect to the conduct of the functionaries at Tunis, as their proceedings did not in the slightest degree affect the decision and conduct of Her Majesty's Government, he need not make any observations on the subject, the more especially as he did not think it was one so fit for discussion in that House as for communications between the Governments concerned, by whom it had already been duly noticed. He had only to add that though Her Majesty's Government had no wish to protect crime when committed by British subjects, they were not indifferent to the rights and condition of such Christians as might be resident in Mahomedan countries; and he wished to take this opportunity of stating to their Lordships that Her Majesty's Government had recently been engaged in resisting, and resisting with success, the revival under the Government of the Sublime Porte of a barbarous and obsolete practice, by which a person having embraced Islamism and returned to Christianity, was put to death. This appeared so monstrous, that Her Majesty's Government strongly protested against such a course, and at length they had succeeded in obtaining the consent of the Turkish Government to their desires. The Papers relating to this subject had already been moved for in the House of Commons, and by command of Her Majesty he now laid copies of them upon the Table of their Lordships' House.

Motion agreed to. House adjourned.

HOUSE OF COMMONS,
Tuesday, May 21, 1844.

MINUTES.] BILLS. *Private.*—2°· Eastern Counties Railway Validity.

Reported.—Eastern Counties Railway Validity.

3°· and passed:—Sidmouth and Collumpton Road; Eastern Counties Railway Validity; Manchester Police.

PETITIONS PRESENTED. By Mr. B. Chapman, from Clonmelton, and Mr. T. Duncombe from Hanley, and Shelton, against Irish Registration Bill.—By Lord Ashley, and many hon. Members (62 Petitions), against the Dissenters Chapels Bill; and by several hon. Members (4), in favour of same.—By Mr. O. Duncombe, from Solicitors of Yorkshire, in favour of Ecclesiastical Courts Bill.—By Sir R. H. Inglis, from St. George's in the East, for the better Observance of the Lord's Day.—By Mr. Goring, from a Rural Deanery at Leominster, in favour of a Bishopric at Manchester.—By several hon. Members (52), for Legalising Presbyterian Marriages.—By several hon. Members (9), against Union of Sees of St. Asaph and Bangor.—By Mr. Tennent, from Belfast Anti-Slavery Society, against Encouragement of Slave Labour Produce.—By Mr. O. Duncombe (103), from Yorkshire, by Sir W. Heathcote (54), from County of Southampton, against Repeal of the Corn Laws.—By Colonel Conolly, from

Ballyshannon, for Reduction of Spirit Duty (Ireland).—By Mr. Borthwick, from London (2), Mr. French from Yorkshire (4), for Inquiry into Anatomy Act.—By Mr. Thomas Duncombe, from Leicester, Hanley, and Shelton, for Mitigation of Sentence on Thomas Cooper.—By Mr. Greenal, from Wigan, against Palatine County Courts Bill, but in favour of County Courts Bill.—By Mr. O. Duncombe, from York (2), for Alteration of County Courts Bill.—By Mr. Lockhart, from Dryden, for Repeal of Mines and Collieries Act.—By Lord Eliot, from Dublin, for Amendment of Municipal Corporation Act.—By Sir A. L. Hay, from Caithness, and Sutherland, for Alteration of Parishes (Scotland) Bill.—By Lord Eliot, from St. Columb Major Union, for Alteration of Poor Law Amendment Act.—By Mr. Wynn Ellis, from Leicester, against Exempting Workhouses from Rates.—By Mr. French, from Galway County, complaining of a Poor Rate Collector.—By Mr. Corbally, from Kells Union, against Payment of Loan (Poor Law, Ireland).—By Mr. Bannerman, from Aberdeen, against Prisons (Scotland) Bill.—By several hon. Members (4), against Rating Owners of Tenements.—By Lord Eliot, and Mr. Pendarves, from Cornwall, for same.—By Mr. G. Duncan, from Dundee, for a Royal Dockyard in Scotland.—By Mr. Watson, from A. Von Sandau, for Enquiry.—By Mr. Tennent, from a Society, for Amendment of Slaughtering Horses Act.—By Colonel Conolly, from Ballyshannon, for Repeal of Spirits Duty (Ireland).—By Mr. T. Duncombe, from Airdrie, complaining of recent State Trials.—By Mr. T. Duncombe, from Aberdeen, for Regulating Tailors Trade; and from W. Wright, for Mitigation of Sentence.

CUSTOM HOUSE FRAUDS.] Mr. *T. Duncombe* wished to ask the right hon. Gentleman the Chancellor of the Exchequer, when would the Report of the Commissioners for Inquiring into the Custom-house Frauds be ready for delivery to Members? He saw by *The Times* newspaper of that morning that that journal had got a copy of the Report, which it had made the subject of comment. Now, he did not by any means complain of *The Times* having got a copy, but it was not expecting too much that Members should have got the Report as well as the newspaper.

The *Chancellor of the Exchequer* said, he had no knowledge whatever of how *The Times* had got the copy, but he would do all in his power to hasten the delivery of copies to Members. The Report was already in type, and would be delivered as soon as possible.

ANATOMY ACT.] Mr. *Borthwick* rose, pursuant to notice, to move for a "Select Committee to inquire into the operation of the Anatomy Act, and into the allegations contained in the Petition of Mr. Roberts, printed on the 25th of March." He assured the House that he would occupy as little of its time as possible, and that it was with that view that he had abstained from having the petitions which he presented read at length at the Table. The subject to which he was about to call the attention of the House was one which, for the sake of the poor—for the sake of science itself, required serious consideration. It was well known that of late years the competition of machinery with human labour had been productive of very many complicated surgical cases, which required a very extensive acquaintance with morbid anatomy. Much had been done by the Act of 1832, but much yet remained to be effected. The objects of which he would move for a Select Committee were twofold: one was to provide for science a supply of necessary materials and the other to secure the trade by which that supply would be available. With respect to the Petition of Mr. Roberts, on which his Motion was founded, it had been said, that that gentleman had sought to promote private ends under the guise of public advantage. No charge against any individual had less foundation, and if the House granted him the Committee, he would undertake to prove for the satisfaction of every Member of that Committee, that never was man more grossly abused and ill-used than Mr. Roberts. It was well-known, that for anatomical purposes a supply of not less than 600 bodies was necessary in the metropolis for one year, but it could be demonstrated, that by the use of the antiseptic preparation of Mr. Roberts, 200 bodies would be amply sufficient. The preparation of Mr. Roberts had been submitted to the examination of many of the most eminent surgical and medical men in the metropolis, amongst whom were Sir A. Cooper, Sir B. Brodie, Mr. B. Cooper, and others, who all concurred as to its powerful qualities in preventing animal substances from decay. The hon. Member was proceeding with his argument, when the House was counted; and only thirty-one Members being present, the House was adjourned at half past five o'clock.

HOUSE OF COMMONS,

Wednesday, May 22, 1844.

MINUTES] BILLS. *Public.*—1°. Slave Trade Treaties.
2°. Forestalling, etc.; Courts Martial (East Indies); Smoke Prohibition.
3°. and passed:—Turnpike Acts Continuance (Ireland).
Private.—1°. Rigby's Estate; Campbell's Estate.
Reported.—Ventnor Improvement.
3°. and passed:—West Croft (Nottingham) Inclosure (No. 2).

PETITIONS PRESENTED. By several hon. Members (8 Petitions) against Dissenters Chapel Bill, and 2 in favour of same.—By Viscount Sandon, from Liverpool, against Ecclesiastical Courts Bill.—By Mr. Boyd (30), by other

hon. Members (5), from Ireland, for Legalising Presbyterian Marriages.—By Viscount Sandon, from Liverpool, respecting Coopers' Trade.—By Mr. Astell, from Beds, for Repeal of Stamp Duty on Hail Insurances.—By Mr. Vesey, from Maryborough, for Alteration of Dublin and Limerick Road Act.—By Mr. Warburton, from Kendall, (2), and Totness, for Alteration of Poor Law.—By Mr. Muntz, from Birmingham, respecting Poor Law Commissioners,—By Viscount Sandon, from Liverpool (14), against Rating Owners of Tenements.—By Captain Gordon, from Turriff, and Strathbogie, for bettering Condition of Schoolmasters (Scotland).

HOUSE OF LORDS,

Thursday, May 23, 1844.

MINUTES.] BILLS.] *Public.*—1ª. Customs; Turnpike Acts Continuauce (Ireland).

Private.—1ª. South Devon Railway; West Croft Inclosure (Nottingham); Thomas Forman Gapes Divorce; Hythe Landing Piace (Hants); Samuel Archbutt's Divorce.

2ª. Werrington, etc., Curacy or Hele's Estate (Marchioness of Lothian's); Salford Improvement; Hitchin's or Peach's Estate; European Life Insurance Compauy.

Reported. — Maryport and Carlisle Railway; Blackburn and Preston Railway; Northern and Eastern Railway (Newport Deviations); Chester and Holyhead Railway; Brighton and Chichester Railway; Eastern Counties Railway (Brandon and Peterborough Extension.)

3ª. and passed:—Haltwhistle Inclosure.

Received the Royal Assent.—Eastern Counties Railway Validity; Eastern Counties Railway; Leeds and Selby Railway Purchase; South Eastern, Canterbury, Ramsgate, and Margate Railway; Furness Railway; Pontop and South Shields Railway; Newcastle and Darlington Junction Railway, and Tyne Bridge; Newquay Harbour and Tramroad; Padstow Harbonr; Hartlepool West Harbour and Docks; Thetford Inclosure; Northern Coal Mining Company; New British Iron Company; Figge's Naturalization; Malan's Naturalization.

PETITIONS PRESENTED. From Ardglass, and 4 other places, against the Dissenters Chapels Bill.—By the Bishop of London, and Earl of Galloway, from Lewes, and Glasgow, for the Suppression of Seduction and Prostitution.—From Leominster, and several other places, against the Union of St. Asaph and Bangor.—By Lord Beaumont, from Melbecks, and 10 other places, for Protection to Agriculture.—By Lord Denman, from Debtor Prisoners in Nottingham, and Winchester, in favour of, and by Lord Lyttleton, from Wirksworth, and other places, for excluding Courts for the Recovery of Small Debts, from the Operation of the Debtor and Creditors Bill.—By Lord Denman, from several places in Hampshire, for the Substitution of Declarations in lieu of Oaths.—From a Dissenting Minister of Maidstone, for the Abolition of Capital Punishments.—From Chapelries of Goostrey, and Higher Peover, against the Poor Law Amendment Act.—From Glenhoy, for Legalising Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Turriff for Improving the Condition of Scotch Schoolmasters.

LANCASTER AND CARLISLE RAILWAY.] The Marquess of *Clanricarde*, as Chairman of the Committee, moved that the House do not insist on Clause A, to which the Commons had disagreed.

Lord *Brougham* complained that he was taken by surprise, and that if the Motion were carried, he should be precluded from making any further opposition to a measure seriously injurious to his property. His Friends behind him seemed to make this a party question, ["No, no."] or at all events a personal matter; but he would appeal to them how they would like a railway most materially to interfere with tbe privacy and value of their estates. If this measure had been allowed to lie over during the holidays, he should have been able to come to some satisfactory arrangement with the Company.

The Marquess of *Clanricarde* said, he had never risen with such painful feelings as those with which he rose on the present occasion. He was sorry that his noble and learned Friend should regard it as possible that he could be influenced by any personal feelings with regard to this Bill. He felt deep regret, but he would say no more as to that charge; but his noble and learned Friend was not content with that imputation, but said that he and other noble Lords, among whom his noble and learned Friend did him the honour to include him, had made this a party measure. Why, if there were any great man in this country who was affected by this Bill, it was one of the greatest and most powerful of the supporters of the party opposite, and he supported the Bill like himself (the Marquess of Clanricarde). What was there in any part he (the Marquess of Clanricarde) or his noble Friends had ever taken in public life, that could warrant his noble and learned Friend in making such an imputation on him or on them? Was it a question of a party character whether England and Scotland should have a railway communication or not? Was it for party reasons that his noble and learned Friend wished the Bill to pass? It was not true that he had given notice in an unusual manner; he had concluded his speech on Monday with trusting that his noble and learned Friend would not object that this matter should be concluded on Tuesday or Thursday. Not hearing that his noble and learned Friend answered his appeal, on leaving the House he asked a noble Friend (Lord Monteagle) to give notice for Thursday. If he had not done that, how would noble Lords near him and himself stood with regard to the petitioners and to the public? The House were about to adjourn for a week, and if the question were not decided to-night it must be put off for that time. The Company could positively do nothing in this matter. The noble and learned Lord said the Company wished to bring the Railway near his house in order to annoy him.

Now, the fact was, the Company wished to annoy nobody. They had met every proposition, as far as they could, that his noble and learned Friend had made to them; but they could not make the House of Commons agree to alter a turnpike act if they did not choose it. The road on which these gates were to be erected was at present the great road between Carlisle and Lancaster, and the Company would willingly put up twenty gates to accommodate his noble and learned Friend, if Parliament sanctioned their doing so; but they were not willing that the Bill should be thrown out in consequence of the House insisting on Amendments which the Commons had said had nothing to do with the Bill before their Lordships. The Clause was only added on the third reading. [Lord *Brougham*: No; the Report]. No; I brought up the Report myself; it was on the third reading.

Lord *Campbell* observed, that the present was an instance of how dangerous it was for a man to be his own counsel. His noble and learned Friend (Lord Brougham) did not attempt to introduce any Clause in the Committee, either in the House of Commons or in the House of Lords, nor upon the Report; but upon the third reading he proposed a Clause—and what was it? He said that he had the charge of the Bill; but he (Lord Campbell) must say his noble and learned Friend acted a very strange part, for generally the person who had charge of a Bill wished it to pass, and did what he could to further its progress; but his noble and learned Friend seemed to wish to obstruct the Bill. What was this Clause? Many of their Lordships would no doubt be surprised to hear it read. It was a Clause that had nothing whatever to do with the Lancaster and Carlisle railroad, but it was a Clause empowering the landowner of certain property, about a mile from the railway, to construct two gates across Her Majesty's great highway in the great northern road. It was said that there had been a breach of contract here; but with whom was the contract made? The Company had no objection to the erection of the gates; but the Company had no power to make this contract. Why, if a Railway Company were to concede to me the power of erecting a gate across the road leading from Hyde-park Corner to Kensington, would they have any authority to do so? This Company, he would repeat, had no power to enter into a contract to authorise the erection of these gates. There was no provision in the Bill that these gates should be opened at all suitable times. The question for their Lordships to consider was, whether this railroad Bill was to be defeated, because a Clause had been introduced on the third reading, in their Lordships' House, and which the Commons had objected to? Were their Lordships to insist upon this Amendment or not? Why should they insist upon it? It was irregularly introduced, and upon its merits there was no ground for it. If such gates ought to be erected, it ought to be a part of a turnpike act. Therefore, both upon the merits and the manner in which this Clause had been introduced, he thought it ought not to be insisted upon. But beyond this he could not help expressing some alarm as to the way in which business in their Lordships' House was conducted in respect to railroads. He should like to appeal to the noble Earl (the Earl of Shaftsbury), as to whether this Clause had been regularly introduced. Was it competent for any noble Lord on the third reading of a Private Bill to introduce a Clause which had not been previously submitted to a Committee? If such a practice should be adopted as a precedent he thought it would be attended with great mischief.

The Earl of *Shaftesbury* said, it had been their Lordships' practice of late years, to discuss these questions as little as possible in the House, and to refer them to a Select Committee, and they generally abided by the decision of the Committee. He really did not know whether this particular clause had been proposed in a Committee or not. It was in the power of any noble Lord to propose a clause on a third reading without notice, but that was contrary to the practice. If he had been rightly informed, this railway crossed a turnpike-road, and this clause was to put a gate upon that road at a great distance from the railway—upwards of three-quarters of a mile. If the distance was so great, he should say, according to the practice of their Lordships, the clause ought not to be introduced, because it was *dehors* the Bill.

The Earl of *Devon* said, the question was not at present whether this Clause had been rightly or wrongly introduced, but whether they should postpone coming

to a decision upon it for twenty-four hours. It would be just the same, so far as getting the Royal Assent to the Bill was concerned, whether they decided upon it now, or not. It was not at all improbable, that some compromise and arrangement might be made by which both the parties to the Bill and his noble and learned Friend might be satisfied. The question, then, was, would their Lordships refuse to give his noble and learned Friend (Lord Brougham) the opportunity of discussing this matter with the Railroad Company? For this purpose he (the Earl of Devon) should move that the debate be adjourned.

Lord *Brougham* said, that if their Lordships would refer to the Journals, they would see how the case really stood. He was perfectly ashamed to detain their Lordships upon what might appear a trumpery personal matter relating to himself; but he begged to state that the treatment he had met with, and the manner in which he had been trepanned into giving up his opposition to the Bill, was a matter of great importance in regard to the conduct of private business in that House. How the noble Marquess could dream that he should agree to his Motion to-night, after what he (Lord Brougham) had stated on Monday, was perfectly incomprehensible, especially when he (Lord Brougham) on that occasion gave notice of his intention to move for a Committee to inquire into the matter, and stated that he was ready with evidence upon the subject. Was it, after this, to be conceived that he would agree as a matter of course to withdraw all opposition, and to give up all attempt at an inquiry? The thing was absurd on the very face of it. His noble Friend must have forgotten entirely what had passed. He would appeal to their Lordships whether he did not state that he should take the course which was usually taken when anything had been done which looked like mal-practice in the conducting of a private Bill; and he believed that that uniform course was, to institute an inquiry by a Special Committee? His noble Friend had referred to the Journals of their Lordships' House. He (Lord Brougham) had also referred to the Journals, and he found, in No. 36, page 299: "Lancaster and Carlisle Railway Bill, reported specially, with amendments and a clause added." That was the very Clause in question. Then came the third reading—"Lancaster and Carlisle Railway Bill read a third time, with the amendments," that was to say, the amendments which had been moved and inserted upon the Report; therefore it was perfectly evident, and by the Journals it was demonstrated, that it was on the Report, and not on the third reading, that this Clause was introduced. The noble Marquess had said, that he was surprised that this should be considered as a party or a personal matter. [The Marquess of *Clanricarde*: I did not say any such thing.] How could it be a party matter? It was the Lancaster and Carlisle Railway Bill, which was a great public matter. A noble Friend of his opposite, through whose domains the Railway passed, though he was not interested in the Bill more than he (Lord Brougham) was—having no interest except upon public grounds—was in favour of the Bill; while he (Lord Brougham) was in some degree opposed to it, and therefore he supposed it must be assumed that it was a complete party matter. But when did their Lordships ever see so many noble Lords so anxious and so loud, some on their legs, and some not on their legs, about a Clause in a Railway Bill? Could any man breathing doubt that if this had not been his (Lord Brougham's) Clause, such zeal would have been manifested to oppose it? If noble Lords would say that they would have pursued the same course, that they would have made the same piece of work, that they would have made the same fuss, spoke in the same sounds, made the same movements, raised the same cries, and uttered the same calls—if either of his noble Friends near him—his noble Friend lately at the head of Her Majesty's affairs, or his noble and learned Friend who was his (Lord Brougham's) successor on the Woolsack, had been concerned in this Bill—then, though he did not believe that the noble Marquess would say so, yet if he did, he would give full credence to his assertion; but, until he heard that declaration, he should believe, that the present moment was considered by them to be a good opportunity of doing a thing which was not very agreeable to an adversary. He dared to say he was quite mistaken, and that he was very uncharitable, but he found that he was not the only person who entertained this opinion. It was a notion that had got very much abroad in their Lordships' House. Upwards of a dozen noble Lords had told him that the same view had entered their minds. He had never insinuated to them that it was his feeling, but finding that they entertained that feeling,

it was not unnatural that it should be his also. Then, said his noble and learned Friend (Lord Campbell), who certainly was a skilful advocate, if ever there was one, he who is his own counsel has not always a wise person for his client; but he would tell his noble and learned Friend what such a person always had—he always had an honest person for his counsel—he always had a person who would never give up his client's cause. His noble and learned Friend had said, that if he had been the advocate, he would have given up the cause. [Lord *Campbell*: For the sake of the character of his client.] No, no; what his noble and learned Friend meant was, that consulting the ease and convenience of the counsel, he would have thrown his poor client overboard by abandoning his cause, for by abandoning the cause he would have abandoned the client as well as his cause. Now that was just what he (Lord Brougham) was not disposed to do. Then, said his noble and learned Friend, what was the use of delay? Why, in the first place, the Motion had taken him (Lord Brougham) by surprise. He gave notice on Monday that he was prepared to give evidence in support of the Clause. Unknown to him it was put in the Order Paper that the Clause would be considered to-day. Now he had other things to read besides the Votes, and he had not seen the notice till this morning. Consequently he was shut out from moving for a Committee, and having the abuse investigated, and from giving evidence, and this by surprise. Was not that a sufficient reason for delay? It is then said that he could not get what he wanted, because the Company had not power to grant it. But there was a proposition made with an equivalent which they had the power to grant, and which nobody but themselves had the power to grant. Why should he and they not have time for negotiation? He had not the slightest intention to move their Lordships to insist upon the amendment. It might be very fit that the amendment should be given up. He wished the Bill to be passed. He made great sacrifices in order to let the Bill go on. He pledged his word that he would not oppose the Bill, if certain conditions were fulfilled, and though they had broken their terms with him, yet, as it was said, that the Company had not the power to fulfil the conditions, he was perfectly disposed to let them pass the Bill, provided they would give him the equivalent required. As the noble Earl connected with the county of Devon had said, this was but a question of twenty-four hours' delay. They could not pass the Bill to-night; it was, therefore, merely a question between the first and second day after their next meeting. But, if they had adopted the Motion which had been made, they could shut him out altogether; and he would appeal to their Lordships whether they could sanction so rank and gross a piece of injustice.

The Marquess of *Clanricarde* said, that he, for one, did not at all insist upon any precipitate steps being taken; still he must ask, why did not the noble and learned Lord move for a Select Committee on Monday or on Tuesday, or have given notice that he would move for it on Thursday? The noble and learned Lord complained, that he (the Marquess of Clanricarde) had taken the Bill out of his (Lord Brougham's) hands. Now, after the noble and learned Lord had declared on Friday, that unless the terms which he proposed were acceded to, he would oppose the Bill—was it right that that noble and learned Lord, whether he was his own client or not, with all those attributes which the noble Lord had described to a person being his own client should have the charge of such a measure? Was any noble Lord to have a Bill left entirely in his own hands when he himself declared that if his terms were not complied with he would oppose the Bill by all the means in his power? He (the Marquess of Clanricarde) had presented a petition to their Lordships from the persons interested in this Bill, and he thought it was but reasonable in him to ask their Lordships to accede to the prayer of that petition. These parties were at considerable expense waiting in town for their Lordships' decision, and their Lordships ought certainly to come to some determination, that would lead to a tolerably early decision. But his (the Marquess of Clanricarde's) noble and learned Friend had repeated the charge of this being made a party matter. His noble and learned Friend did not quite understand him when he (the Marquess of Clanricarde) by an almost involuntary exclamation interrupted him. He (the Marquess of Clanricarde) drew a distinction, the first time he had the honour of addressing their Lordships, between an attack from personal feelings and from party feelings. His noble and learned Friend, however, drew no distinction—

and he had again made an attack—a gross and unfounded attack—which he would defy him to substantiate, and which, he would tell the noble and learned Lord, few men but himself would dare to make in the face of—[Order.]—I ask pardon of your Lordships. But I will say the noble and learned Lord made an attack which few men but himself would have made, and which no man ought to make without being able to substantiate it. The opportunity to substantiate it, if it were well founded, was not wanting. He had been a Member of their Lordships' House for some time, and he had been frequently upon Railway Committees, and upon a great many Private Bills, and he would ask their Lordships to allow his noble and learned Friend to show, if he could, any one instance in which there was the slightest ground for supposing that he had upon any one of those Bills acted improperly or from party or personal views. [Lord *Brougham:* Hear, hear!] Ay, hear, hear! but why then this charge and insinuation now? Why should it be said that on no similar occasion had he (the Marquess of Clanricarde) and his noble Friends evinced such zeal, and that they never were so anxious before? He spoke only for himself, but the noble and learned Lord presumed that he (the noble and learned Lord) knew the feelings of the noble Lords who sat on this side of the House. Now, he honestly declared that he had no absolute knowledge of the feelings of his noble Friends. He had a thorough conviction as to how his noble Friends would vote, and also as to how noble Lords on the other side of the House would vote if this question should go to a division. There was no doubt about that, in that sense of the word, but as to any private knowledge, he had none. The noble and learned Lord said that this was a party matter. How could it be a party matter? Oh, said the noble and learned Lord, if this Clause had interested certain noble Lords who sat on this side of the House, and whom he (the Marquess of Clanricarde) had the pleasure and the pride of being associated with, you would not have shown the same zeal in this question as you now did. He (the Marquess of Clanricarde) should like to know upon what ground the noble and learned Lord made this assertion. He would defy any noble Lord to show that he had neglected a Bill of this kind, or had evinced any lukewarmness in doing his duty in Committees. In the present case, this was a duty imposed upon him most unwillingly, and if he had failed in his duty at all, it was that he had shifted and tried, by every means in his power, to get out of this matter. He owned he did. For he was not ashamed to say that it was by no means a pleasant thing to be brought into collision with the noble and learned Lord in a discussion in this House, with his great abilities, power, and practice. He had no wish to cope with a person of his particular class of ability and practice. It was not pleasant—far from it. He entered upon his duty unwillingly; but when he saw it was his duty, he did not entirely shrink from it: and since he had undertaken it, he would say though he knew he was unable to compete with the noble and learned Lord in this sort of discussion, as he believed few men in England were able, yet he was not so entirely afraid when he had a good cause as to be deterred from following up that course which his duty prescribed, from any apprehensions of encountering the noble and learned Lord. The noble and learned Lord had said that party feelings were at the bottom of the course which he and his Friends had pursued on this occasion; but the noble and learned Lord would allow him to observe, that in saying that, he put the pleasure of opposing him a little too high. He rated his own importance a little too high; he a little overrated the fact, if he thought that the course which he and his noble Friends had taken was to be attributed to his hostility to those noble Lords near to whom, for some reason or other, he (Lord Brougham) chose to sit. He knew, undoubtedly, that in argument and reasoning no man was greater than his noble and learned Friend. He knew well the powerful support which his noble and learned Friend lent in debate to the noble Lords who were in the Administration, and to the noble and learned Lord who sat on the Woolsack; but a man's power in this country did not consist wholly in his eloquence, nor depend wholly upon his energy: he must have some other attributes, and he was not afraid to say, that if those who sat on his (the Opposition) side of the House were to consider who were their most dangerous enemies, and to whom they should be most inclined to hold out any bait to induce them to join their ranks, or be most

disposed to conciliate, he for one should be disposed to class amongst them the noble and learned Lord. They would have great advantages, undoubtedly, in his stupendous abilities, in his wonderful acquirements, in his great resources, and in the readiness with which he applied them in all ways; but the noble and learned Lord must allow him to say, that if he thought that either he, or any noble Lord, would, for the sake of securing those advantages—putting it as a matter of value — mercenary value — think it worth their while to forfeit one particle of their character, or abate in one jot the proper appreciation of their duty and their honesty, he was widely mistaken. If he had forwarded this Bill from party or personal motives, such as had been attributed to him by his noble and learned Friend, he should do himself infinitely greater mischief than what he could defy his noble and learned Friend ever to do him, in the very small and insignificant space which he might occupy in the public eye, great as might be his noble and learned Friend's abilities, and wonderful as might be his energy.

Lord *Brougham* said, it was always unpleasant to get into any personal altercation with a respected and valued Friend, and still more disagreeable must it be to their Lordships to continue it for one moment longer than was absolutely necessary; but really the sort of insinuation with which the noble Marquess had thought it proper and becoming to conclude his last speech, though very eloquently expressed, was such that he (Lord Brougham) could not sit by and suffer it to pass for one moment unnoticed. The noble Marquess said, he would not forfeit his honesty or honour by courting or yielding to, or making concessions to him (Lord Brougham) at the expense of his principles. That was what he (Lord Brougham) had never charged him with. What he charged the noble Marquess with was, the extraordinary zeal with which he and his noble Friends were all animated upon this trifling and insignificant question, and which appeared to him (Lord Brougham) rather suspicious, and he had frankly stated his suspicions. But, so far from having made a charge against the noble Marquess, he had said, that let the noble Marquess only come forward and declare, after reflecting on the whole matter, that he would have taken the same course, he meant not the whole course, but that the noble Marquess would have exhibited the same zeal, the same animation, the same anxiety, and almost passion, which had been shown by him upon this small matter of the erection of a gate on the Lancaster and Carlisle road, if the individual interested in it had been out of the question, non-existing and actually dead—if he would make that declaration, no doubt he (Lord Brougham) might have been astonished, but he should at once have rendered it his entire and implicit belief. But then, the noble Marquess said to those with whom he sat, his (Lord Brougham's) opposition generally in that House was a very little matter, and that they did not care about it. Now, at that he heartily rejoiced, because it was always a painful thing when, in the discharge of a great public duty, a man found persons whom he esteemed privately, engaged against him in hostile proceedings. He was quite delighted to find that any adverse conduct towards them, to which he was driven by a sense of duty, was not disagreeable to them, and that they felt it of no sort of consequence whatever. He was glad to hear it. It would relieve him from much embarrassment and from considerable pain—henceforth he should be able to discharge his duty with a degree of freedom and a lightness of mind which he had not hitherto experienced. The noble Marquess said, that he (Lord Brougham) overrated his own importance. He was not over-rating his own importance, but he possibly was under-rating the public spirit of the noble Marquess and his Friends, and over-rating their party zeal; which however it would not be easy to do, for party zeal was, in these days, like the trunk of the elephant; there was no object so insignificant that it would not take up—no object so powerful that it would not grapple with. At one time it would force the rock and uproot the oak, at another it would pick the smallest needle from the earth. He (Lord Brougham) was not in the situation of the rock or of the oak, but was like the smaller substance, and had only to regret that he should have come within the reach of the proboscis of party. He was not conscious that he had given himself any airs, or had assumed a sense of undue importance. But perhaps at the bottom of all this annoyance was, his (Lord Brougham's) supporting Her Majesty's Ministers, and opposing the noble Lords. They perceived that the difference between themselves and the Government was not so trifling, as that a little dust in the scale would turn the balance; they, therefore,

did not mind his (Lord Brougham's) throwing his little dust into the opposite scale. But, they ought not to abuse him so much; they ought not to complain of him so much for deserting their party. If he had deserted their party, he had gone over in very good company. He was sorry that his noble Friend (Lord Howden) was not present. He wished that noble Lord had been here; he (Lord Brougham) should have appealed to him on this matter. Very few noble Lords could have spoken such a speech as that noble Lord delivered the other evening. [*Laughter.*] Noble Lords might laugh, but if that noble Lord were to make another such speech, it would make them laugh on the wrong side of their mouths. He (Lord Brougham) could only say he wished they who now laughed would be pleased to make speeches half as good, for it would make his listening to their oratory a far easier task than it was now felt to be. But he had left his party! Lord Grey was the leader of that party, and what had Lord Grey done? Lord Grey had caused a letter to be written to Lord Howden, highly approving of that noble Lord's conduct on the occasion, when the noble Lord made that speech, and avowing that if he (Earl Grey) had been able to attend his place in Parliament, he would most certainly have given his support to Her Majesty's Ministers. Therefore, he (Lord Brougham) was not without countenance, and not without authority, for the course he had pursued. He and those who acted with him might be very few; they might be insignificant; it might be a matter of no importance to any party how they acted. Those who stood aloof might treat him (Lord Brougham) and his friends with the utmost contempt, and say, "Do your worst, we do not mind you. Upon the whole we would rather, perhaps, have you with us than against us: but we do not mind what course you take; we care nothing about it." All this might be so, but still he (Lord Brougham) had the satisfaction of entirely agreeing with the leader of their party, he meant Earl Grey, and he supposed that might be reckoned a tolerably good Whig authority. He had no difficulty in stating this, since noble Lords had reckoned so little on his and his noble Friends, being on their side of the House; otherwise he should not have done it. Perhaps it might be said, that the person who was his own counsel had not the wisest client, but, assuredly, the person who was counsel for his party had not always wise persons for his clients. This probably was now seen by the House and felt by themselves. He did not think his noble Friends had gained much by their present movement. They had themselves to thank for what he had disclosed. It was their own doing.

The Earl of *Radnor* said, that the whole matter that had so long engaged their Lordships' attention was utterly contemptible; but when the noble and learned Lord found fault with the noble Marquess for having introduced these personalities, he (the Earl of Radnor) must say that it was not his noble Friend (the Marquess of Clanricarde) who did so. The noble Marquess moved the question fairly and simply, and the whole matter about party was introduced by the noble and learned Lord; but for his part he should throw it overboard, as being utterly contemptible. The question was, whether their Lordships would insist upon their Amendment, or agree to the objection of the House of Commons, or postpone the debate, according to the proposition of the noble Earl on the other side (the Earl of Devon). The speech of that noble Earl (who was not now in his place), he had heard with the greatest astonishment. He had certainly heard it as a rumour, that persons made terms when they came into a Committee of their Lordships' House, but he never expected to hear a noble Earl in their Lordships' House, and one who was so well acquainted with the principles and constitution of Parliament, propose to adjourn the debate in order that a noble Lord, a Member of their Lordships' House, might be able to make terms with a Railway Company having a Bill pending before their Lordships. The question was, whether or not a great public work should be carried out. The noble and learned Lord declared he would oppose it if this Clause were not carried; and then came the question whether the Clause would be injurious to the Bill in its effect upon the interest of the public. The Clause was one not only affecting the noble and learned Lord and the Company, but other parties; and was the House to adjourn this question at a great loss, inconvenience, and expense, to numerous persons, merely in order that the noble and learned Lord might have time to make a better bargain. Would the House disgrace itself by listening to any such request? He protested that nothing would appear to him more utterly disgraceful

than to yield to a proposition conveyed in such terms. The Clause was one not to benefit the public, but to enable the noble and learned Lord to make improvements in other parts of his estate—to enable him, in short, to drive a harder bargain. He again asked, could their Lordships sanction such a proposition?

The Duke of *Wellington*: I wish to say a few words with respect to the question before us. The question, as moved by the noble Marquess opposite, is, that the House should not persist in an Amendment proposed in this Railway Bill, and then my noble Friend near me moved that the debate be adjourned for a week, stating to the House that the adjournment could not possibly make a difference of more than twenty-four hours as to the time of passing the Bill. And my noble Friend moved the adjournment on this ground—that the noble and learned Lord had stated that he had an interest in the Bill, and had stated certain conditions upon which he would consent that the Bill should pass: that the conditions upon which he was prepared to give his consent had not been carried into execution: that the non-fulfilment of those conditions was owing to certain transactions which, if your Lordships would institute an inquiry into them, he could show were not quite correct, and that some measure ought to be adopted in order to give him satisfaction. It appears to me that this affair is one which is not at all uncommon —that this railroad is to pass over a public road [" No, no"]. I understood that to be the case, and that persons interested in the state of that part of the country had desired that gates should be placed on that part of the road. Here, my Lords, I must myself plead guilty to a transaction of a similar kind. A railroad in my neighbourhood was proposed, and is now in course of construction: the measure was before Parliament, when I found that the parties were about to carry the railroad across a road on a level, and I insisted that they should place gates on the road with lodges to them, not for my own private advantage, but from a very different motive. I told the parties that I could not give my consent to their Bill, but would oppose it by every means in my power, unless that measure were consented to. Had I any private interest in the matter? Not I. I was bound to look to the public interest, and I was prepared to oppose the Bill until I saw the object I had contended for duly obtained. I therefore was prepared to insist that the condition should be carried into effect by the parties. That I believe to be the position in which my noble and learned Friend opposite now stands [*Cries of* " No, no"]. The opportunity for proof is sought, and if possible, then, let it be proved that the public cannot receive any injury from the absence of these gates. I have made conditions similar to those required by my noble and learned Friend, that gates should be placed on a road at the point where it is crossed by a railroad.

Lord *Brougham* explained, that he had never attempted to deny that his own benefit formed part of his view in the case.

Lord *Monteagle* said, that if every noble Lord divided under the impression that there was any similarity between the case alluded to by the noble Duke opposite and his noble and learned Friend (Lord Brougham), that noble Lord would vote under an erroneous impression altogether. The conduct of the noble Duke in the case he quoted was such as all their Lordships would have expected from him; there was nothing more important than to take care that the passages where their roads intersected were well guarded; but in the present case, these gates were altogether distinct. The gates were required to be placed on a part of the road wholly separated from the railroad. Had the matter been brought regularly before the House, he (Lord Monteagle) would have been happy to consult his noble and learned Friend's convenience. But what would be the effect of this postponement. The reasons alleged by the House of Commons for not agreeing to this Clause were, that by the Standing Orders of their House—which he (Lord Monteagle) took to be co-essential with the Standing Orders of their Lordships' House—they were precluded from inserting that provision in the Bill—and even the Chairman of their Lordships' Committee (the Earl of Shaftesbury) had stated that evening that the provision was *dehors* the Bill. There was not any prospect, by means of the postponement, of passing this Clause, which was not within the title or principle of the Bill. If this Clause could have been introduced, it would have been properly introduced in Committee upon the Bill, and they knew that it was rejected,

because it was at variance with the Standing Orders of the House of Commons. Why, then, he asked, should their Lordships now postpone the Bill, unless to enable some other propositions, of which their Lordships knew nothing, to be made to the parties to this Railway? Now, it had been alleged that these parties had acted in bad faith, but it did not appear that they had raised any objection to this Clause when the Bill was before the House of Commons; but that, on the contrary, the question was raised upon a Parliamentary objection, on account of the Clause being at variance with the Standing Orders of the House of Commons. He was sure that their Lordships would not insist upon an enactment which was contrary to their own Standing Orders, and those of the other House of Parliament. If there was any arrangement between his noble and learned Friend and those parties, it was a matter that could not be made the subject of legislation. His noble Friend opposite (the Earl of Devon) had said that the question of postponement was only a question of a day. Now, though that might be technically true, it was not practically true. Contracts had already been entered into, in the belief that this Bill would not be opposed, and arrangements had been made for carrying this Railway into effect, which was a matter of great importance to the public convenience, as it was part of a line facilitating the communication between England and Scotland. If their Lordships acquiesced in this postponement, on such a state of facts as had been presented to them, he did not think that they would do much to raise themselves in public opinion as to the manner in which they discharged their duties. In the other House of Parliament he had never heard such a proposal made; and, on the contrary, he always understood that private bargains between parties, as to whether they would oppose such a measure or not, were always viewed with great jealousy by the other House of Parliament. He was reluctant to take part against his noble and learned Friend, but he did not wish to see the passing of a Bill of such importance placed in jeopardy. The effect of agreeing to a postponement was, that the parties concerned would be kept in London during the recess, at the expense and inconvenience attendant on such a delay, as well as the anxiety which a protracted debate of that kind could not fail to entail upon them.

Lord *Brougham* said, that his noble Friend who had just sat down had misrepresented or rather misconceived the grounds on which he (Lord Brougham) applied for delay. His desire was, that whilst the Bill was before the House, and whilst their Lordships had control over it, a Committee should be appointed to inquire what been done in the progress of the Bill —supposing that those parties had disentitled themselves by their conduct. He only meant to move for a Committee of Inquiry for the purpose of proving his case.

The Marquess of *Salisbury* would, without hesitation, vote for the postponement of this matter until after the recess. How did the case stand? The noble and learned Lord had made arrangements by which he had agreed to waive his private interests, and abstain from opposing the Bill, on an understanding that certain conditions should be carried into effect. It was said at the other side of the House that these conditions were at variance with Parliamentary rules. He thought it unreasonable and unfair towards the noble and learned Lord to force the House to a decision, and refuse the delay of a single day. It had been stated that it would be disgraceful in their Lordships to allow this postponement. He (the Marquess of Salisbury) thought the disgrace would lie on those who refused a short postponement, especially when it was shown that it could be attended with no practical inconvenience. If the noble and learned Lord was refused the opportunity of inquiry, such a refusal would be at variance with the justice of that House.

Their Lordships divided :—Contents 34; Not-Contents 32 :—Majority 2.

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The *Lord Chancellor* put, as an Amendment to the original question, "That a Select Committee be appointed to consider the Amendments made by the House of Commons in this Bill."

Lord *Monteagle* doubted whether it were competent for them to appoint a Committee to consider Amendments proposed at a Conference with the House of Commons. As the Motion was framed it proposed the appointment of a Committee to consider the Amendments of the House of Commons; now the fact was, that the House of Commons had not made any Amendments.

Lord *Brougham* suggested an alteration of the words to make the terms of the Motion "to consider the Message of the House of Commons," or "to consider the reasons of the House of Commons for disagreeing with their Lordships' Amendment."

Lord *Redesdale* said, that it appeared to him that the Committee was to inquire whether the parties concerned in this railway had entered into certain conditions with the noble Lord which they had not fulfilled, and if they had acted prudently, to consider if it was not just that other compensation should be awarded. This appeared to him to be the purpose of the Motion; but unless the Motion was framed differently, he thought it would not be competent to the Committee to consider the question in the way he had stated.

Lord *Brougham* said, there would be no difficulty in forming a Committee. Suppose that he had evidence to show, that these parties had themselves got up this opposition to their own bargain, and precluded themselves from carrying their own contract into effect, would it not be one of the grossest cases that it would be possible to produce? Now, that was one of the matters which he wished to have inquired into, and no inconvenience could be produced by the delay.

Earl *Fitzwilliam* said, they had had a long debate upon this subject, but not a full one, for there was a great defect in it. He had voted "content" on the ground that evidence should not be shut out, but he had seen a map, and, unless that map were a forgery, the noble and learned Lord had not a leg to stand upon. The defect in the debate was, that the noble and learned Lord had not stated the alternative he had to propose. It was essential to know what substitution was made in the Bill, and he thought their Lordships would not be able to come to a satisfactory conclusion unless they knew what the Committee were to inquire into. It was usual, when the appointment of a Committee was moved for in that House, to state the object of its inquiries; but the noble and learned Lord (Lord Brougham) had not pursued this course on the present occasion, although he wished to refer the subject to the consideration of a Committee.

Lord *Brougham* said, it was extremely painful to him to trespass again upon the attention of the House; but he must repeat that he had stated, that, if some delay took place, it was very likely the parties would come to some agreement. He had stated that he had a case to lay before a Committee. [The Marquess of *Clanricarde:* State what that case is.] He must repeat what he had stated last Monday, that his principal evidence, one of the Masters in Chancery, through whom the negotiation took place, and who alone could throw light upon the subject, and show what conduct had been pursued towards him, was not in town. He was quite ignorant of the details of the matter; he was acquainted only with its general features. The Master in Chancery to whom he referred, would probably not be in town to-morrow or the next day; it would therefore be impossible for him to produce evidence before the Committee this week. The only inconvenience that could result from delay would be that of keeping people in town for a few days. His conve-

nience, of course, was not to be considered; the only thing to be regarded was the convenience of railway contractors and speculators.

The Marquess of *Clanricarde* said, that he would be glad if a Committee could be appointed in accordance with the forms of the House, to inquire into the matters connected with this Bill. He believed that a noble Friend of his on the other side, who was associated with him in the Committee on the Bill, would confirm his statement when he said, that as far as he could judge from what transpired before that Committee, none of the parties connected with the Bill would shrink from inquiry. He would be quite ready to support the noble and learned Lord in his Motion for a Committee, if such a Committee could be appointed in conformity with the usage of the House.

Lord *Campbell* said, the Bill had been agreed to by their Lordships and by the House of Commons, and the only question was, whether their Lordships would or would not insist upon their Amendment on this clause. It was agreed on all hands that that clause could not be maintained. The House of Commons said, that the clause was contrary to their Standing Orders; it was also contrary to the Standing Orders of their Lordships' House. How then could they insist upon the retention of the clause, which was allowed on all hands to be entirely indefensible?

The Duke of *Richmond* thought the best plan would be to refer the subject to the same Committee under whose consideration the Bill had previously been. It would have been more regular if the clause had been inserted while the Bill was under the consideration of that Committee, in order that they might have had an opportunity of forming an opinion as to its propriety.

Lord *Brougham* said, if their Lordships were all clearly of opinion that they could not agree to the Amendment he had made upon the Commons' Bill,—if they considered that the clause he had added to that Bill was contrary to the Standing Orders as well of the House of Commons as of their Lordships' House,—he did not wish to press that Amendment; but he did wish to bring the whole matter before their Lordships, with a view to example in other cases. He had now to state, that nothing could be more utterly inconsistent with fact than what some of their Lordships had assumed to be true,—namely, that they could not insert in a railway bill such a clause as this. No greater error could be committed than that into which the House of Commons had fallen in this respect. He had himself obtained the erection of two gates close upon this very road, on the high road between York, London, and Edinburgh, which had stood during the last thirty-five years; and he obtained those gates not by a Bill affecting that road, but by a Bill relating to a totally different road. In consideration of his not opposing the Bill, he obtained the power of erecting those gates, and that power had been confirmed on three occasions when the trust had been renewed by Act of Parliament. The clause he had proposed in the present Bill was actually copied from the Act to which he alluded, relating to the road. But it had been said that no notice had, in this case, been given to the road trustees. His answer was, that no notice was given in the former case. And who ought to give such notice? The parties who applied for the Act. He had, however, no objection to withdraw his Amendment. [The noble and learned Lord then said, "I will take very good care of these people when they come with their next Bill. They will have a very difficult task to induce me to withdraw my opposition to their next Bill."]

Motion agreed to.

Lord *Brougham* said, he would move for leave to enter his Protest on the Journals against the Bill.

House adjourned to Thursday, the 30th of May.

The noble Lord entered the following Protest.

DISSENTIENT.

1. Because the reasons assigned by the Commons are wholly insufficient. They proceed mainly on a gross and palpable error of law; namely, the assumption that there is in law a difference between Railway Bills and Road Bills, whereas a Railway Bill is to all intents and purposes a Road Bill, unless in so far as some special provision may have been made for Railway Bills in some particulars, and it is not pretended that the Amendment in question came within the scope of any such provisions.

2. Because in so far as it is alleged, that the gates sought to be erected were not on the railway, but on another road, that road was most materially affected by the railway, its traffic being greatly diminished, and the road becoming more like an occupation or private road than a turnpike-road, and the gates were only to be erected after the completion of the railway.

3. Because in so far as want of notice is alleged, the like leave to erect gates has been given in former instances, by private Acts of Parliament, without any such notice.

4. Because the projectors of the present Bill had agreed to have such a clause inserted, as a condition of the intended opposition being withdrawn; and had represented that they had stated the clause to many—it was said fourteen persons—several of whom were turnpike trustees of the old road in question.

5. Because whether the Commons were right or wrong, such clause having been made a condition to the withdrawing opposition, the refusal to agree to the Amendment ought to have been regarded by this House as a termination of the contract, whatever might be the cause of such refusal; and the party who had made the contract in favour of the Bill, on the condition of the clause passing, should have been let in to oppose the Bill; or, if that could no longer be done in this stage, the Bill ought not to have been passed without his consent, which should have been obtained on some other equivalent condition.

6. Because it is of the utmost importance to prevent frauds, and to protect individuals from the most grievous oppression, that the most perfect good faith be always kept between projectors of works, applying for private Acts of Parliament, to arm them with extraordinary powers, and private parties with whom they bargain respecting their assent or opposition to such Bills.

7. Because the projectors of this work undertook to have the clause passed, and this was part of their bargain with the private party, and if they had fairly applied to the road trustees, and given them due notice, no deception could have been practised, and no objection could have been taken, either by the trustees or the Commons.

8. Because all that was asked in the Lords, when the present Motion was made, was a delay which could not possibly have prevented the Bill from passing by the space of above one day; and the delay was asked on the express ground, that material evidence was ready to be produced which must have affected the question, whether the Commons' Amendment should be agreed to or not.

9. Because the Bill was thus, in an unprecedented manner, hurried through, in the face of a notice given in the House that a Select Committee would immediately be moved for, to consider what had been the conduct of the promoters of the Bill, grave allegations being made that the Opposition had been originated either by them, or in consequence of their proceedings, in either branch of their contract with the private party.

10. Because this House has never, even in its legislative capacity, decided without hearing, unless where the matter in question was really a cover for some party proceeding, and was not the true subject of deliberation. But in its judicial, a *quasi* judicial capacity, and when dealing with rights of property and claims of parties interested, it has never, save in this instance, decided without hearing those parties. BROUGHAM.

HOUSE OF COMMONS,

Thursday, May 23, 1844.

MINUTES.] BILLS. *Public.*—3° and passed:—Customs Duties.

Private.—Reported.—Pulteney Town Harbour and Improvement (re-committed); Wells Harbour and Quay (re-committed); Newport Dock; Manchester Stipendiary Magistrate; Manchester Bonding.

3° and passed:—South Devon Railway; Southampton Improvement; Hythe Landing Place.

PETITIONS PRESENTED. By Mr. Aldam, from Leeds, for Inquiry into Universities.

BANGOR FREE SCHOOL.] Mr. *W. O. Stanley* rose to call the attention of the House to the Petition of Dr. Owen Owen Roberts, presented on the 15th of April, praying for inquiry into the management of the Friars Bangor Free School, and other endowed schools, in the diocese of Bangor and St. Asaph. There was no duty more imperative, than to take care that funds left for the education of the poor were not misappropriated. He thought it was a duty of the House to inquire whether, in any of those districts where money was given for the endowment of Free Schools, there was not already sufficient money left for the purpose. At Bangor there was a very handsome endowment for a Free School; but the money, instead of being appropriated to that purpose, was appropriated in educating the children of the wealthier part of the population. It might be said, that that House was not an appropriate tribunal for this inquiry, but he hoped he should be able to make out a case sufficiently strong to call for the interference of the House. The hon. Member then read and referred to the following Petition, presented on the 15th of April last:—

"That in the dioceses of Bangor and St. Asaph, property of very considerable value has from time to time been left for the purpose of conferring the blessings of education on the children of the poor.

"That this property in several cases has been so mismanaged, and the income arising from it so misapplied, as entirely to defeat the intentions of the benevolent individuals by whom it was bequeathed.

"That, as a striking instance of the mismanagement and misapplication of which your petitioner complains, he begs leave respectfully to call the attention of your honourable House to the Bangor Free Grammar School.

"That this School was founded and endow-

ed by Dr. Geoffery Glynne, expressly for 'educating poor men's children.'

"That by his will, dated 8th July, 1558, the Friars House, belonging to him, in Bangor, together with his lands, tenements, and hereditaments in the counties of Carnarvon, Anglesey, Denbigh, and Surrey, was devised for the support of a Free Grammar School at the before mentioned Friars House, 'for the use of poor men's children;' and the sum of 400*l.* was specially directed to be invested, for the separate use and benefit for ever of 'ten poor scholars, to be lodged with the master and usher for the time being.'

"That, by Royal letters patent, dated the 24th of March, 1651, the bequest of Dr. Geoffrey Glynne was confirmed; Her Majesty Queen Elizabeth granting, for herself and her heirs and successors, that there should be a Free Grammar School in Bangor, pursuant to the will of Dr. Geoffrey Glynne, 'to have continuance for ever.'

"That, on that occasion, learned and responsible parties were appointed to prepare fit and proper statutes and ordinances for the government of the school generally, as well as for the superintendence and management of the ten poor scholars; and the Dean and Chapter of Bangor were appointed governors, with perpetual succession, to carry these benevolent purposes into effect.

"That, by the statutes which were duly made, it was amongst other things ordained, that the number of scholars should be limited to a hundred, the poorest men's children being preferred; that the ten poor scholars should have each 40*s.* a year, as well as sufficient and convenient room and place within the Friars House, as well for their meat and drink as for their lodging, and other necessaries; and that the master and usher should exact of no persons anything for teaching their children within the school.

"That the property now vested in the Dean and Chapter of Bangor, as trustees for the education of poor men's children, under Dr. Geoffrey Glynne's will, is as follows: and that, according to the Report of the Charity Commissioners, it produces, or ought to produce, the several sums here set against each item:—

"In the county of Surrey, houses, premises, and appurtenances, a yearly rental of	£447	0	0
"In the county of Salop, a rent-charge of	26	13	4
"In the county of Anglesey, a tenement called Capel Euddog, containing 12A. 0R. 21P.	12	0	0
"In the county of Denbigh, a tenement called Tryfain Uchaf, containing 48A. 0R. 8P.	20	0	0
"In Bangor, Friars House, garden and appurtenances, with twenty acres of land in the occupation of the head master, its value capable of being greatly increased.	130	0	0
"Friars back house, garden, and a small field, consisting of about one-and-a-half acre, in the occupation of the usher, its value capable of being greatly increased	45	0	0
"Cae Ffynnon Ddaniel	0	10	0
"Total yearly value	£681	3	4

"That the houses of the master and usher have ample room for the due accommodation of ten poor scholars, and that the school-room which adjoins the master's house, is constructed, and in all respects adapted ro receive a hundred boys.

"That the Reverend William Totton, as head master, in addition to the house, garden, and premises, and twenty acres of land, has an annual money salary of 66*l.* 13*s.* 4*d.*; and that the Reverend Edward Jones, as usher, in addition to the house, garden, and premises, and land, has also an annual money salary of 33*l.* 6*s.* 8*d.*

"That the money salaries paid to the head master and the usher, and the houses, lands, and premises occupied by them, all taken together, amount only, according to the estimated value, to 274*l.*, whereas the annual value of the property is 681*l.* 3*s.* 4*d.*, thus leaving a surplus annual revenue of 406*l.* 3*s.* 4*d.*

"That, notwithstanding there are these ample means of carrying into effect the benevolent intentions of Dr. Geoffrey Glynne, by 'educating poor men's children,' and 'lodging and maintaining ten poor scholars' so grievously is the trust abused, and so entirely are the funds misappropriated, that the children of the opulent are preferred, to the utter exclusion of the children of the poor, there being not a single poor man's child educated, nor one poor scholar lodged or maintained in the said School.

"That, in the opinion of your petitioner, individuals, or bodies corporate, guilty of such glaring violations of trust in the case of charitable bequests for purposes of education, ought not to be entrusted with the sole management and control of any sum or sums of money which your honourable House may, at any time, think proper to devote to purposes of national education.

"Your petitioner humbly prays, that your honourable House would be pleased to institute such an inquiry as will enable you to ascertain, in the first place, the number and amount of bequests in the dioceses of Bangor and St. Asaph, for the education of poor men's children; secondly, who are the trustees in the case of each particular endowment; and, thirdly, how far such trustees have duly appropriated the funds entrusted to their care.

"Your petitioner also most respectfully prays, that your honourable House, would be pleased to take into your serious consideration, with a view to the furnishing of an appropriate and effectual remedy, the monstrous

injustice done to the lower and less wealthy classes of the community, by the misapplication of funds especially intended to confer the blessings of education upon their children, to open to them, in their humble abodes, new sources of domestic and social comfort, and to elevate and incalculably improve both their physical and their moral condition.

"And your petitioner, as in duty bound, will ever pray.

"Owen Owen Roberts.

"Castle-hill, Bangor, March 16, 1844."

The hon. Gentleman then said, he should be able to show that the funds were sufficient to carry out the objects of the Charity to the fullest extent. There had been a great increase in the value of the lands from which the funds of this School were derived, since the Report of the Education Commissioners in 1836. The revenues of the School at present amounted to 447*l.* a year from houses and land in Southwark. There was other property belonging to the School, yielding 58*l.* a year, making a total of 505*l.* a year actual money received. Besides this, the master had a house and twenty acres of land at Bangor, which the Commissioners at the time of their Report valued at 130*l.* a year; and the usher had a house with accommodation for twelve boarders, which the Commissioners valued as worth 45*l.* a year. This would bring the funds of the School to somewhere about 680*l.* a year. The House under these circumstances, would be astonished to hear that at the present moment there were only nine free scholars educated there, and of these scholars receiving a free education, one was the son of the Vicar of Bangor, another was the son of a wealthy agent of a neighbouring gentleman; two others were sons of wealthy tradesmen in the town of Bangor and two others were the children of wealthy parents. The ten boys, who ought to be on the foundation, never entered the premises, or received any education at all in it, but were educated at the national schools, receiving the 2*l.* 6*s.* each to which they were entitled from the Charity; but for this they were made by the Dean and Chapter to sing as choristers at the cathedral. This, he contended, was a gross violation of the objects of the trust. It was directed in the trust-deed, that the master should not exact anything for the education given to the boys; yet all children whose parents wished them to learn writing or arithmetic were charged 2*l.* a year for it, and the same sum if they wished to learn French. The total number of boys now educated at this School was twenty-five; sixteen of these were boarders, who lived in the house, and paid for their education some 30*l.* or 40*l.* a year, and were not in general children from the neighbourhood; the rest, according to the statement of the master, received a free classical education. In 1839 the salaries of the master and usher were raised respectively to 100*l.* and 50*l.* a year, and at the same time the usher had leave of absence given to him, and had never since entered the School. It might be guessed why,—because the School he had to attend to had only three scholars in it. When the Committee made their Report in 1836, there were thirty boys in it receiving free education; but in consequence of the treatment of the free scholars, the poor inhabitants would not send their children to the School. An odious distinction was made between the children of the poor and of the rich. The poor free scholars were not allowed to enter the School in the morning till a bell rung, and in wet weather had to huddle together under doorways till they were admitted. On Sundays they were compelled to join the wealthier scholars in the street and bring up the rear of a procession to the cathedral. Remonstrances had been made to the Dean and Chapter as to the inequality of the punishments inflicted on the boarders and free scholars, but to no effect. On one occasion some boarders and a free scholar got into some scrape together. No one knew how the boarders were punished, but the free scholar was ordered to do penance in the cathedral during service, standing alone. This the boy refused to do, and there was much discussion about it, and the consequence was, that the poorer classes would not now submit to have their children subjected to such treatment, and the object had been gained of driving the poorer children altogether from the school. In 1832 the School was in debt from building a house for the master; but in 1837 that debt had been paid off; since then, there had been a surplus of income over expenditure of 224*l.* a year. He wanted to know what had become of this surplus? The Dean and Chapter had power given them by the trust-deed of altering and abolishing anything that might seem to require it, without going before a Court of Equity. Had he, however, made these complaints to them, he believed they would have told him to mind his own business. Though these complaints had been set forth in the

local press, the Dean and Chapter had paid no attention to them; and, if told that the case would be brought before Parliament, they answered that Parliament had no power in the matter. If it had not, he thought it ought to have, and he hoped that the right hon. Baronet opposite would fulfil his promise made to the hon. Member for Devonport last year, and introduce some measure which would give greater facilities for remedying abuses in Charities like this. The hon. Member went through a list of other endowed Free Schools in the diocese of Bangor and St. Asaph, where abuses of a similar character were practised. Bottwrnog was one of these. It was endowed by will of Henry Rowlands in 1616, for a Free School. The revenues were 200*l.* a year, from a farm called Llyslew; 6*l.* a year rent charge from Nant Porth, for two scholars; and 18*l.* a year for a house for the master, purchased in 1831; making a total of 224*l.* Of this, the expenditure was 188*l.* The master never attended the School. He receives a large salary, and retains the house and a farm of eighteen acres for doing nothing. The trustees had promised to look into this School; and he hoped the abuses would be remedied. The master was perpetual curate of two parishes. Dolgelly was another instance. The master of the school was curate of the parish, Chaplain of the gaol, and could not attend to the duties of the School. The Charity was 43*l.*, and the whole went to form the master's salary for non-attendance. The Llanrwst Charity, Jesus Hospital and Free School—the hon. Gentleman observed, consisted of the rectorial tithes of Eglwys-fach, in the counties of Denbigh and Carnarvon, and other lands, now worth about ,1000*l.* a year. These tithes were purchased of the Crown, 4th James I., being part of the dissolved Monastery of Bescham in Berkshire, by Bingham and Blake; and conveyed by them to Sir J. Wynn, of Gwydir, in 1608, 6 James I., the sum of 13*l.* 6*s.* 8*d.*, being the reserved rent to the Crown: and the reserved rent being generally understood to be the tenth of the value, fixes the value of the tithes at the time of purchase at 133*l.* On the 10th of May, 8 James I., Sir John Wynn, by deed, enrolled in Chancery, founded the Charity under the corporate name of Guardian and Poor Men of Jesus Hospital in Llanrwst; and by another deed, also enrolled in Chancery, made between him and the Guardian and Poor Men, he endowed the Charity with the said tithes and other lands, in 1611 or 1612. He made statutes for the guidance of the Charity and Free School, which statutes are in existence. He made his will in 1626, and died soon after. His will was not proved for many years after his death. In 1678, Serjeant Owen Wynn, of Meller, a distinguished charitable man, filed a bill against the representatives of Sir John Wynn, of Gwydir, on account of the Charity. An answer was put in by Dame Grace Wynn, denying the Charity, and the proceedings ceased, owing to the death of Serjeant Owen Wynn. Notwithstanding this, the Gwydir family continued to support the Charity with 133*l.* a year, and maintain the almshouse and Free School, although the tithes produced considerably more than 133*l.* a year, up to the year 1803, as stated in the Charity Report. In no settlement of the family estates of Gwydir had the rectory impropriate of Eglwys-fach been dealt with as belonging to the family. In 1803, for the first time in a recovery are they mentioned. In 1809, the value of the tithes was 619*l.* 15*s.* In 1789, Mr. Cecil, a trustee for the Gwydir family, purchased the reserved rent of 13*l.* 6*s.* 8*d.* for the family: and it was after that the claim was made by them to the property of the Charity. In 1803, the last year the School was free, it contained 103 boys. From that time the School ceased to be a Free School; and the alms-men were allowed to drop off. In 1812, part of the almshouses, supposed to be the warden's house, was sold by Lord Willoughby to a Mr. Evans Pritchard; and a house was pulled down with a Latin inscription upon it on a stone, which was destroyed. This stone contained the history of the foundation, and embodied a malediction on any of the family who should sell or alienate the property of the Charity. When the house was sold, Lord Willoughby gave a bond of indemnity against the claims of the Charity to the purchaser. About the same time, the tithes of four townships in Carnarvonshire, belonging to Eglwys-fach, were sold to Sir Watkin W. Wynn, and likewise a bond of indemnity given by Lord Willoughby, as he could make out no title to them. The almshouses and School were entirely suppressed from 1817 to 1828; but the School was re-established as a pay-school; thus matters stood until the decree of Chancery in 1843. [Mr. W. Lloyd Roberts, his brother Dr. Owen Owen Roberts, and their father, natives of Llanrwst from the year 1812, with a diligence, ac-

tivity, and zeal, which reflect the highest honour upon them, and entitle them to the thanks of their fellow countrymen, left no stone unturned to right the Charity, and discover the deeds necessary to file a bill in Chancery against Lord Willoughby. In 1836, when Mr. J. Hume, the Charity Commissioner, came to Llanrwst, Mr. W. Lloyd Roberts waited upon him, and put him in possession of facts to enable him to discover the deeds, and obtain information sufficient to file a bill; and in 1837, Mr. Hume wrote to Mr. Roberts to say the evidence was sufficient to enable him to file a bill. No bill, however, being filed in 1839, Mr. Lloyd Roberts went to town with the determination of filing a bill himself; but just at the moment he had commenced, he discovered, that the Attorney-General had filed a bill, and put the conduct of the suit in the hands of Mr. Parks. Mr. Lloyd Roberts waited upon Mr. Parks, and informed him he was ready at all times to give gratuitous information about the Charity, and that he had a great deal to give: however, no communication ever was made to him by Mr. Parks. In 1843, the decree was obtained by consent — Lord Willoughby putting in an answer, that he was ignorant the property in question belonged to the Charity, or that he wrongfully possessed it. This answer Mr. Roberts was in a situation to disprove, being in possession of the bond of indemnity given to Evan Pritchard, and from other means. The decree compelled Lord Willoughby to give up all the tithes of Eglwysfach, and lands belonging to the Charity; and all arrears from the year 1839, when the bill was first filed, it also decreed, that the almshouse and School should be rebuilt out of the Charity fund—and that the expenses incurred by Mr. Parks should be paid out of the Charity. The two items would amount to about 1,000*l.* each. He had thus briefly traced these proceedings; and it was evident that the Charity had been wronged out of at least 20,000*l.*, as Lord Willoughby, who had possessed himself wrongfully of the property of the Charity, must have doubted in 1810 that he had a just title, else why give a bond of indemnity to Sir W. Wynn or Evan Pritchard when he sold the property? In all cases in which persons have held property without right, they have to refund for many years prior to the bill being filed. There was also no doubt that if the answer put in by Lord Willoughby had been replied to, a different decree would have been obtained. He had gone to this length to prove that Chancery was not a just tribunal to try these cases; when entrusted to a London solicitor, whose only object may be to get his costs, and who is necessarily ignorant of the locality, as much evidence may be given as he pleases, and the Charity may suffer. Even now the decree was obtained, much of the proceeds were swallowed up in costs, which Lord Willoughby should have paid. Years might run on before the proper trustees were discovered, or the School be re-established. He, therefore, confidently and earnestly called upon the House and the country to establish some better tribunal for inquiring into Charitable Trusts. The hon. Member concluded by moving,

"That a Select Committee be appointed to inquire into the management of the Friars Bangor Free School, and other endowed Free Schools in the diocese of Bangor and St. Asaph."

Mr. *Pennant* opposed the Motion. He denied that any system of oppression existed towards the free scholars in the school in question. The annual income and expenditure of the school, were different from those stated in the petition. The income was, in fact, 447*l.* 3*s.* 4*d.*, instead of 681*l.*; and the expenditure was 418*l.* 3*s.* 9*d.*, instead of 275*l.*, as stated in the petition, leaving a balance of 27*l.* and a few shillings. That statement was furnished by the agent of the school, on an average of the last four years.

Sir *G. Grey* rose for the purpose, he said, of again impressing upon the right hon. Gentleman opposite the necessity of providing some proper tribunal for the trial of cases of this kind. At present it was easy to say that the House of Commons was not the proper tribunal, and, with the exception of the Court of Chancery, which entailed a ruinous expense, there was no proper tribunal for dealing with them. Last year he introduced a Bill relating to trusts of small value, and the second reading was fixed on exactly that night twelvemonth, the 24th of May, when the then Attorney General said that a separate and comprehensive measure was necessary, and stated that there were sums amounting to about 1,000,000*l.* sterling a-year, vested in charitable trusts, which required investigation. Having admitted the necessity of some such measure, the Government distinctly stated that a Bill

was under consideration, and would be introduced, not to be carried then, but to be taken up in the present Session. Several questions upon the subject had been put this Session, and although the right hon. Gentleman had said, that a measure would be introduced, he almost despaired of it, or at least, of seeing one carried this Session.

Mr. *Hume* wished to add his request, that if nothing else could be done, at least a Bill should be passed requiring the trustees of every charity to send up an annual account to the right hon. Gentleman, by which means the parties concerned would be able to become acquainted with the affairs of the charity, and take what steps they thought proper. He understood, last year, that the right hon. Baronet had no objection to that; but after a year's delay, he was rather disappointed at seeing no measure introduced, particularly when the right hon. Gentleman had stated in his place, that the Charitable Trust Educational Funds in England were so large, that he was in hopes of being able to take steps to apply them to the education of the people.

Sir *J. Graham* said, the questions put by the right hon. Baronet and the hon. Member for Montrose, were better suited for his notice, than the Motion of the hon. Member for Anglesey, because the abuses of Charitable Trusts had already been the subject of investigation, and any cases of complaint were quite open for decision in a court of equity. It would be his duty to resist any such Motion as that made by the hon. Member. It was quite true, that two Sessions ago, he (Sir J. Graham) did express an opinion that in this country there were immense funds, either misappropriated, or not at all appropriated, which had been left for the purpose of charitable education, and that he was anxious to have those funds made available for that object. But there were two points to be regarded;—the intentions of the donors and testators, and the application of those funds upon the authority of a judicial decision. Last year he did state that a Bill had been framed by Her Majesty's Government and that it was under the consideration of the highest authority, and he confidently hoped that it would have been laid on the Table before the end of the Session, for the purpose of receiving consideration before the re-assembling of Parliament; but the more the subject was investigated the more difficult it was found to be, and that was the reason of the delay. The remedy must be both a summary and a judicial one. If nothing more was done than to call for an annual return, that might be advantageous; but on the part of the Advisers of the Crown, he might say, that they were inclined to take a step further. It was true that he had been frequently asked questions upon this subject, and he was accused of retreating rather than advancing; but the fact was, that on that very day he had obtained an interview with the Lord Chanceller upon the subject, and in the course of a fortnight the Lord Chancellor would introduce a measure, which measure, it was the intention of Her Majesty's Government to carry this Session. It was a measure for providing a summary and judicial remedy in every case of abuse so as to enforce the application of the funds in accordance with the wishes of the testators. Having made that announcement, he hoped the hon. Gentleman would not press his Motion.

Mr. *C. Berkeley* observed, that the Measure would not be satisfactory if an appeal was to be granted in every case to a Court of Equity, because few parishes would be able to bear the expense that appeal would involve them in.

Sir *C. Douglas* was very much gratified with the statement of the right hon. Baronet, as the subject was one more abounding in abuses than any other he was acquainted with.

Motion withdrawn.

Fees on Titles.] Mr. *Hume* then brought forward his Motion for an Address to Her Majesty "to give directions that, whenever Her Majesty shall grant the honour of the Peerage, or Baronetcy, or Knighthood, or Order, for eminent public services, no fees shall be charged thereon." Last year upwards of 2,000*l.* was paid for honours granted to several deserving officers, and a sum of 500*l.* was paid by the King of Prussia. He had heard an Admiral state in that House, that when a particular honour was conferred upon him, he was furnished with a bill of fees, amounting to 130*l.*, which he refused to pay, preferring to be without the honour rather than pay so dearly for it. The enormous sums paid to the Attorney General on the renewal of patents of various officers of the Government, on

a demise of the Crown, was scarcely credible. It amounted, he believed, to 15,000*l.* The fees charged upon Sir C. Metcalfe's appointment as Governor General of Canada, were 265*l.*, of which 130*l.* went to the Attorney General. The expense to the country of conferring the Order of the Garter on the King of Prussia, was 439*l.* Now why were the people to pay this large sum for doing this honour to a foreign Sovereign, who had no connection with this country. If the Queen thought fit to confer those honours, let her pay the expense, or else let it fall upon the person who receives it. In the instance lately of the six Grand Crosses bestowed upon Sir H. Pottinger, Sir R. Sale, General Pollock, and others, the expense to each was 164*l.*, although these were distinctions granted for services to the country and ought to be paid for by the country. He had heard, and he really believed it to be true, that the late Attorney General received in the last year from fees 20,000*l.* Why were not the officers of the Herald's College paid by regular salaries, instead of fees charged to those who had to take out arms there. These officers were enormously paid beyond the value of the labour they had to do. Perhaps the right hon. Gentleman the Chancellor of the Exchequer, would have no objection to the appointment of a Committee to inquire into the manner in which those officers were paid. He did not wish to interfere with any existing interests, but he was anxious that the recommendation of the Commissioners that had inquired on a former occasion into the subject should be carried out. The hon. Gentleman concluded, by moving in the words of his Motion, for an Address to Her Majesty.

The *Chancellor of the Exchequer* said, that whatever view the hon. Gentleman might be disposed to take of the question, he was sure the hon. Gentleman would not wish that an Address should be presented to the Crown to do that which the Crown had no power to do. The fees to which the hon. Gentleman had referred were sanctioned by law to those who received them, and could not be taken away without an Act of Parliament. This was the difficulty that stood in the way of those who had often wished to interfere in this matter. They found that the Crown had no power, and he was sure the hon. Gentleman would be the last to desire that any stretch of the Crown's prerogative should be exercised. This reason in itself he thought sufficient to show the House, and the hon. Gentleman, that it would not be advisable to address the Crown upon the subject. The prerogative of the Crown was always the same as to the granting of honours, but formerly the Civil List was applied to the discharge of a variety of civil payments. In the year 1815, however, the Civil List was placed upon a different footing, and Parliament took to itself the payment of civil service, and an entire control over that portion of the Civil List, providing a distinct amount for the separate establishment and service of the Sovereign. This was a great advantage, because it gave to Parliament a check over the expenditure in any grants to persons recommended to the Crown, as such grants must be voted and confirmed by the House of Commons. The idea which the hon. Member had thrown out of laying a tax on all honours and distinctions conferred by the Crown was not a new one. Indeed, he thought civil honours were already pretty well taxed, when he saw that a Duke, on receiving that distinction of nobility, had to pay for his patent 350*l.*; a Marquess, 300*l.*; an Earl, 250*l.*; a Viscount, 200*l.*; a Baron, 150*l.*; and a Baronet, 100*l.* This, he thought, was taxing honours pretty well. But the expense to a Duke was much greater still than he had stated, because he had to pay the charges on all the intermediate steps in the Peerage as he received them. A great part of the charges on official appointments—such, for instance, as the office he had himself the honour to hold—arose from the stamp necessary; so that the Revenue had, in a great degree, the benefit of those charges. He believed, indeed, he might say that there was no officer of the Crown paid more to the Revenue than he did, as he held four or five different appointments, and had to pay for the charges upon each patent separately. The hon. Gentleman would see, after what he (the Chancellor of the Exchequer) had stated, that the parties holding the office to which the present Motion referred, having a legal right, could not be deprived of them without compensation, and this course he did not think it would be a good economy for the public to adopt. The difficulty of dealing with the subject would at once be seen in the fact that it was twelve years since an inquiry was first recommended,

and nothing had since been done, although the matter had been frequently under consideration. With respect to the cost of conferring the Order of the Garter on the King of Prussia, he was sure the House and the country would concur in the feeling that, when that Sovereign came to this country to do honour to our Queen, it was proper that Her Majesty should, in return, confer upon that Monarch those distinctions he had received without his incurring any expense on the occasion. It was right that this sort of good feeling should exist amongst monarchies, and it was the interest of the people to promote it as much as possible. For the reasons he had stated, it was not possible for the Crown to interfere in this matter, and he therefore boped the hon. Gentleman would not press his Motion.

Mr. *W. Williams* supported the Motion, and he should remark that the Chancellor of the Exchequer had offered no valid reason against agreeing to it. There were numerous fees paid on the acquisition of those honours, and those were fees for the exaction of which there was no Act of Parliament. It might be said, indeed, that the fees were not levied under the Statute Law, but that the right to them was a Common Law right. If that were the case, then let the Chancellor of the Exchequer show a single decision of any of the judges to the effect that the claim to the fees existed under the Common Law. He very much doubted whether any single decision of a judge to that effect could be brought forward: and having heard no sound reason urged for refusing the Motion on the part of the Chancellor of the Exchequer, he should most cordially support it.

Motion negatived.

UNIVERSITIES—OXFORD AND CAMBRIDGE.] Mr. *Christie* rose to move an Address to Her Majesty, praying that she would be graciously pleased to issue a Commission to inquire into all matters relating to the statutes, revenues, trusts, privileges, and present general condition as regards education, learning, and religion of the Universities of Oxford and Cambridge, and the colleges and halls in those Universities. The hon. Member was proceeding to address the House in support of his Motion, when the House was counted out and adjourned at a quarter to eight o'clock.

HOUSE OF COMMONS,

Friday, May 24, 1844.

MINUTES.] NEW MEMBER SWORN. — William Bowles, Esq., for Launceston.

BILLS. *Public.* — 1°. Aliens; Bank of England Charter; New South Wales, etc. Government; Salmon Fisheries (Scotland); Customs Duties (Isle of Man).

2°. Courts of Common Law Process; Courts of Common Law Process (Ireland); Charitable Loan Societies (Ireland); Slave Trade Treaties.

Reported.—Damage by Fire (Metropolis, No. 2); Stamp Duties; Assaults (Ireland); Courts Martial (East Indies).

3°. and passed:—Gold and Silver Wares.

Private.—Reported.—Taff Vale Railway.

3°. and passed: — South Eastern Railway; Sheffield United Gas.

PETITIONS PRESENTED. By several hon. Members (258 Petitions), against Dissenters Chapels Bill, and 13 in favour of same. — By several hon. Members (15), for Legalizing Presbyterian Marriages.—By Mr. Liddell, from Welch Pool, and Whitworth, and by Mr. Mainwaring, from Wresham, against Union of Sees of St. Asaph and Bangor.—By Colonel Butler, from Galway, for Imposing a Tax on Absenteeism. — By Lord Ashley, from Sherborne, against Repeal of the Corn Laws.—By Mr. Pryse Pryse, from Cardigan Co., in favour of Lime Toll Exemption Bill.—By Mr. Dashwood, from High Wycombe, for relieving Licensed Victuallers from Window Duty.—By Mr. Ferrand, from Northwick, and Aberdeen, for a Tax on Steam Sawing.—By Mr. Wyse, from Limerick, for Encouragement of Art Unions. — By Mr. French, from E. Cahill, for Relief.—By Lord Ashley, from South Shields, for Inquiry into Accidents in Coal Mines; and from Labourers' Friend Society, for Alteration of Commons Inclosure Bill.—By Mr. Ainsworth, from Bolton, against Palatine County Courts Bill.—By Sir E. Knatchbull, from Kent, for Compensation.—By Mr. Cholmondeley, from Welchpool, in favour of same.—By Mr. Cholmondeley, from Llanidloes, and Montgomery, and by Mr. Mainwaring, from Wrexham, in favour of Local Courts.—By Lord Ashley, from C. Williams, suggesting a Plan of Medical Assistance.—By several hon. Members (12), for Alteration of Poor Law.—By Mr. Duncan, from Dundee, against Prisons (Scotland) Bill.—By Mr. Cardwell, from Liverpool, respecting Carriage of Goods by Railways.—By Mr. Pendarves, from Redruth Union, for Rating Owners of Tenements.—By Earl of Lincoln, from Nottingham, for Alteration of Sale of Beer Act.—By several hon. Members (3), for Bettering Condition of Schoolmasters (Scotland).

GAMBLING—SUPPRESSION OF.] Mr. *Craven Berkeley* inquired of the right hon. Gentleman the Secretary of State for the Home Department, under whose orders the metropolitan police had acted at the Epsom races, whether under orders direct from the Home-office, or from the police Commissioners, or of the local magistrates? He did not complain of the orders for the suppression of gambling and thimble-rigging so much as he complained of the unjustifiable interference with the throwing of sticks at boxes set on other sticks, which was a game of dexterity, and the undue interference with the harmless sports of the people.

Sir *J. Graham* was not sorry that the hon. Member had asked the question, and he would state the circumstances under which he was responsible. The House

was aware that at an early period of the Session a Committee had been appointed to inquire into the question of gambling and racing. The Report, which had been presented on the 20th of the present month, was, he believed, in the hands of Members; at any rate he was cognizant of the nature of that Report, in which there was a strong passage on the pernicious extent to which gambling was carried on at race courses. In the execution of his duty he had called the attention of the Police Commissioners to the extent to which gambling was carried on within the metropolis—an extent unknown in the other great cities of Europe, and to an extent most dangerous to the public. Having taken measures for its suppression in the metropolis, he had also thought it his duty, in conformity with the Report of the Committee of the House, to call the especial attention of the Police Commissioners to the gambling carried on at race courses. He certainly was responsible for the directions which had been given to the Police Commissioners to interfere with the gambling in question on the race-course of Epsom. He also gave them directions to communicate with the local Magistracy, together with instructions to announce their intention of carrying out the laws. The Police Commissioners did communicate with the local magistrates. There was not any undue interference on the part of the Police Commissioners with the amusements of the people, but nothing could be more unjust than the play at those games of chance. In fact, these games were not so much games of chance as games of perfect certainty and of robbery He could produce some of the dice taken by the police in the gambling houses. There they were (presenting the dice in his hand across the table), and they were open to inspection of hon. Members conversant with the subject. They were not loaded dice, but perfectly correct in every respect, except that with one set it was impossible to throw deuce ace, and with another set one would throw 11 and 12 with equal certainty, and certain other numbers were omitted or repeated more than once. Also with respect to *roulette*, the chances were equally against the party playing; so much so that they could not be considered games of chance, but perfect acts of pillage and robbery. Having interfered to execute the law, he was sure he should not be blamed. He could not conceive more dishonourable proceedings than the conduct such games involved; and in this country there was no source of sorrow, and ruin, and crime producing such certain and fatal effects, as that growing out of the disposition to gambling of late years. That disposition had grown to a most alarmingly dangerous extent, and he certainly had thought it his duty to carry into execution the law on the subject. He had not gone one step beyond the law, and until he saw some expression of opinion on the part of that House adverse to the course he had pursued, he should take every means placed in his power by the law for the purpose of checking, he had almost said of exterminating, this dangerous propensity.

Mr. *V. Smith*: All that had been stated by the right hon. Gentleman was perfectly correct, except in one point. It was not correct that the Report of the Committee was in the hands of hon. Members. As a Member of the Committee, he begged to say the right hon. Gentleman was fully borne out in what he had done by the Report of the Committee. However, the question of his hon. Friend the Member for Cheltenham had not, in one point, been answered—viz., why the police had just put down the amusement of throwing with sticks? The sport of throwing with sticks was one which the Committee had especially pointed out as being fit to be exempted from being interfered with by the police. Some hon. Gentlemen on the Committee had declared that they were great adepts in the practice, and if the orders of the right hon. Gentleman had gone to put that down, he had exceeded the recommendations of the Committee.

Mr. *C. Berkeley* said the right hon. Gentleman had not answered his question; that question did not refer to the gambling booths or thimble rigs about which the right hon. Baronet had made such a flourish. What he asked was, whether the order was intended to apply to amusements of the people totally unconnected with the people.

Sir *J. Graham* thought he had distinctly answered the hon. Member's question. The police did not act under his direction; they were only instructed to carry out the existing law. If it would be more satisfactory he would read the letter he had addressed to them. [The

right hon. Baronet then read the letter, stating that he (Sir James Graham) had had his attention drawn to the gambling carried on at and during the races of Epsom, and other places, where the police were in the habit of attending for the purpose of preserving order; and he desired them to take the necessary steps for enforcing the law against the parties offending against it. With reference to the races about to take place at Epsom, the police would put themselves in communication with the local authorities; and if they should fail in obtaining their assistance, they would then proceed to carry the law into effect.] Thus it would be seen that they were directed to carry into effect the existing law against gambling; the law was not peculiar to the metropolitan police district, it was the general law throughout England, and he trusted that not only the metropolitan police, but that throughout England, the local magistrates would endeavour to carry the law into effect.

Mr. *C. Berkeley* again asked if the prohibition was to apply to the amusements he had named?

Sir *James Graham* said if they were pointed out under the existing law it would be carried strictly into effect.

DINNER TO LORD NELSON'S COMPANIONS.] Mr. *M. Milnes*, seeing the noble Lord the First Commissioner of Woods and Forests in his place, wished to put a question to him with respect to the public dinner to be given in Trafalgar-square to the brave veterans of Greenwich Hospital, the companions in arms of the gallant Nelson. He believed that great expense had been incurred by the committee, as the steamer had been hired to bring them up the river, and preparations had been made at a neighbouring hotel. At a very late period yesterday the committee was suddenly informed that the dinner could not take place. He was anxious to hear any explanation the noble Lord might have to offer.

The Earl of *Lincoln* said, he could not give any satisfactory answer without explaining shortly what took place with reference to the subject. An application was made to him in September or October last for leave to have a dinner given in Trafalgar-square to the Greenwich Pensioners. At that time the whole area was boarded round, and the public were shut out from the space. As he understood that the dinner was supported by the authorities of Greenwich Hospital and the Board of Admiralty, as well as by the committee for erecting the column, he gave the permission required. He subsequently received an application to permit the dinner to be postponed till the 2nd of April, and he afterwards received another application for its postponement to this day, but in the interval the square had been opened to the public, and a deficiency having been discovered in the article used for a portion of the pavement, he could not allow the dinner to take place. He, therefore, wrote to the committee, not yesterday, but ten days ago, stating that though unwilling, he was obliged to withdraw his sanction. He also felt that great inconvenience would result from such a dinner being held in the centre of the town, and in such a public place. He had therefore withdrawn his assent for the present, and could not promise to renew it for a future day.

MANCHESTER BONDING WAREHOUSE.] Mr. *Labouchere* called the attention of the right hon. Gentleman opposite to a Bill which, although only a Private Bill, deserved some explanation. He alluded to the Manchester Bonding Warehouse Bill, allowing inland bonding warehouses. He had himself endeavoured to carry a Bill for establishing inland bonding warehouses; but he never could persuade the right hon. Gentleman to accede to it. His question was, on what principle were the Government disposed to act? Were they disposed to grant a similar right to any town that would accede to the terms to which Manchester had agreed, and pay the increased expenses incurred in the Custom-house department? He was very far from objecting to this Bill; he was very glad to see the principle introduced into legislation, but it was due, in reference to a Bill of such great importance, that the country in general, and the towns seeking similar advantages, should know the views and intentions of the Government.

The *Chancellor of the Exchequer* should have thought that the Bill itself sufficiently explained the views of the Government. It was not certainly within the intention of the Government to accede to a general inland bonding, but they were desirous of making an experiment in the case of Manchester, by allowing Manchester to have bonding warehouses on

payment of the expenses. He had great doubts of the success of that experiment, and on its result would very much depend the course which the Government would take.

Imprisonment at Nottingham.] Mr. *T. Gisborne* wished to ask a question of the right hon. Gentleman the Secretary of State for the Home Department, relative to the illegal imprisonment of three persons at Nottingham, from the Sunday till Wednesday. A gamekeeper, attended by a dog, saw three persons walking on a footpath; he said that he had previously seen them in a field in which there was no footpath. These persons threw stones at him. He knocked one down with a stick, he set his dog at another, and so got him down, and then set his dog at the third, who was also got down. He then took the three men to his employer's house, who was a magistrate, but who would not interfere; and was desired to take them to Nottingham gaol, where they were detained without any process or warrant. The question, therefore, which he wished to ask, was, whether, before the House met again, the right hon. Gentleman would cause inquiry to be made into the circumstances of this case, and inform the House of the result?

Sir *James Graham* replied, that no complaint whatever of this transaction had been made to the Home Office, except the information derived from the hon. Member. If any illegal act had been committed there were ample remedies for redress.

Universities—Oxford and Cambridge.—Counting out the House.] Mr. *Christie* wished to explain the reasons why it was not his intention to renew his notice of Motion with respect to the Universities, and why he had persevered in bringing forward his Motion last evening, when, owing to its being Epsom week, and to so many Members having left town for the Whitsuntide recess, there would necessarily be a thin attendance. He had arranged with the hon. Baronet opposite, the Member for Oxford, not to bring forward the Motion after the 13th of June, when the hon. Baronet had made arrangements for going abroad. And in return, the hon. Baronet the Member for Oxford said, he would use his influence with the hon. Gentleman opposite to prevent any such interruption to the debate as took place last night. It was quite unnecessary for him to say, that the hon. Baronet fulfilled his promise to the utmost. But he (Mr. Christie) was sorry that he had placed more reliance upon the influence of the hon. Baronet with Members on the opposite side of the House than he was justified in placing. Several of his hon. Friends had asked him if they might safely go to dinner, and he told them that he thought they might. But he had something else to rely upon. He did rely on what he conceived—perhaps erroneously conceived—would be only a proper return from the Government to Gentlemen on that (the Opposition) side of the House, who had entered notices of Motion yesterday, and that the Government would do something for them in return for the courtesy with which the President of the Board of Trade had been allowed, at the commencement of the business of the evening—contrary to the usual course, as a matter of convenience to the Government—to take a Government order, namely, the Customs Bill, before the Notices of Motion. After that he did think the Government would have done what they could towards keeping a House. But as it was, only four Members of the Government were in their places. He (Mr. Christie) met the hon. Gentleman the Under Secretary of State for the Home Department, and the Member for Cambridge in the Lobby after the House was counted out. The right hon. Gentleman the President of the Board of Trade was not in his place; but he saw that right hon. Gentleman leave the House before it was counted out. He hoped that the right hon. Gentleman would be able to explain this. He saw the right hon. Gentleman come into the House dressed for dinner and go out again; he did not come in again, and this certainly looked as if he would not have so acted without knowing that there was a scheme to count out the House. [Mr. *Gladstone* dissented.] The right hon. Gentleman denied this, and of course he must take that denial. He, however, knew that the hon. Member for Wallingford (Mr. Blackstone), with five or six associates, was engaged for some time in concocting a scheme. The hon. Member for Wallingford, and five or six others, stood for some minutes at the door, using their influence to prevent Members from entering the House. There

was no pretence for thinking that there was any systematic attempt to avoid a discussion on the Universities. The hon. Member for Wallingford was not likely to be selected as the authorised agent of the Universities. All the Members for the University were present, and he knew that the hon. Baronet the Member for Oxford had a sincere wish that the discussion should go on. He could ascribe to the hon. Member for Wallingford no higher motive for the course which he chose to adopt, than the wish to save himself and his Friends the trouble of coming down to a late division on a night when there was, as he understood, a number of parties; and they had all imagined, until the Treasury whip went round yesterday morning, that their attendance would not be required by the Treasury. It had been suggested to him that he should bring forward the question as an amendment on a Supply night. He should not do this—not from any aversion to obstructing for one night, the business of the Government—after what had happened, but because he could not bring it on any night, consistently with his promise to the hon. Baronet (Sr R. Inglis), on which a full attendance of Members could be expected. He thought the question also one of too much importance to be brought forward in any other manner than as a substantive Motion, and to stand or fall by its own merits. He would, however, bring it forward again next Session, if some Member better able to do it justice did not undertake the task, and he hoped the result would show that the attendance yesterday, under the disadvantage of Epsom week, was no fair criterion of the degree of interest felt in the House on so important a subject.

Mr. *Blackstone* hoped the House would allow him to explain, as he had been referred to personally by the hon. Gentleman. He came to the House at seven o'clock prepared to listen to the hon. Gentleman, and had remained in the House for three quarters of an hour, during all which time he did not think there were forty Members present. He then took the trouble to go round to see whether there were any Friends of the hon. Member present in other parts of the House, but he could not find any; he, therefore, at ten minutes to eight, when the hon. Gentleman rose, moved, that the House be counted. He was of opinion that such an important measure ought not to be brought forward in such a manner, and for his own part he would much rather see it confided to a Member of longer standing. When he saw the House was so thin, and that the Premier was not in his place, he thought it better that the question should not be brought forward.

Colonel *Sibthorp* said, that if his hon. Friend had not moved that the House should be counted, he would have done so.

Sir *R. Peel* was sorry to hear it alleged that his absence was a reason for counting out the House. He was certainly absent like others, but he supposed it was necessary that he should be absent at a certain portion of the day, for however short a time. But he certainly paid a greater compliment to the hon. Gentleman than many of his own Friends, for he could call on his hon. Friend, the Secretary of the Treasury, to show that he had begged of him to give him (Sir R. Peel) notice when the hon. Gentleman's speech began, and having a Motion of importance himself on the paper, he felt as much disappointment as the hon. Gentleman when he heard the House was counted out. He repeated that he was not aware of any premeditated intention of counting out the House, and he was on his way down to the House at three-quarters past seven.

Subject at an end.

CANADA.] Mr. *Hume* said, he had hoped, in consequence of the Notice given by the hon. and learned Member for Bath, that the House would be occupied for some time in discussing the state of Canada. He had, however, been disappointed by the postponement of the Motion. He would now ask the noble Lord the Secretary for the Colonies, what kind of government existed in Canada, or whether any administration had yet been formed? The allegation on the part of the Ministers who had resigned was, that they were not allowed to exercise the influence which they had a right to expect that they would be allowed to possess; in short, that responsible government was at an end. He wished to know whether an administration had been formed which enjoyed the confidence of the Colony, or whether the governor of the Colony was not carrying on the Government on his own responsibility.

Lord *Stanley* replied, that he had come

down to the House prepared to discuss the Motion of the hon. and learned Member for Bath, and he was not aware that it had been postponed until he arrived at the House; he was therefore no party to the postponement. He thought that it would be very inconvenient to enter into a partial discussion of the subject at the present moment; he would therefore only state that Sir C. Metcalfe was most anxious to act upon the suggestions and principles for the government of the Colony laid down by Lord Sydenham. He could only add, that no administration had yet been completed, but he had every reason to believe that, in a very short time, every matter would be satisfactorily arranged. He now understood that an arrangement was made last night with the hon. and learned Member for Bath, relative to the postponement of the discussion on the Government of Canada by the Under-Secretary for the Colonies.

SUPPLY — MISCELLANEOUS ESTIMATES.] House in Committee of Supply. On the question, that 11,353*l.* be granted for the maintenance of the Ecclesiastical Establishments in the North American Colonies,

Mr. *W. Williams* protested against making large grants of money for such purposes, after such enormous grants of money had been made from the lands in Canada for the maintenance of the clergy. He could not conceive on what possible ground the people of England should be called upon to pay such large sums of money for such a purpose, as the people of Canada were much better able to do so.

Lord *Stanley* said, that a gradual reduction was being made in these Votes, and that ultimately they would cease.

Vote agreed to.

On the question that 11,282*l.* be granted to defray the charge of the Colonial Lands and Emigration Board, and other expenses of emigration from this country to the Colonies,

Mr. *Vernon Smith* did not consider the present Emigration Board was sufficiently extensive in its nature, as it was merely a subsidiary office to the Colonial Department. At present the nature of this Board was hardly known in several parts of the country. He did not think that the agency should be confined to the out ports; he thought that it was most desirable that agents for emigration should be appointed in several central towns, where they could give every requisite information to persons desirous to emigrate. The noble Earl was probably aware that, at the recent public meeting of the East India proprietors, it appeared that dissatisfaction was expressed relative to the emigration to the West Indies from Africa and the East Indies. Looking over the Papers on the subject which had recently been printed by the noble Lord, he admitted that the noble Lord had acted with considerable caution before he took any active steps on the subject, indeed perhaps with too much caution and hesitation. He thought that the noble Lord should hold a severe hand over the Governors of the Colonies who could not be induced to act under the supervision and instructions of the noble Lord. It appeared from the papers on the Table that the Governor of Sierra Leone took upon himself to alter the proportion of the sexes of the emigrants from that colony to the West Indies, without the sanction of the noble Lord. He might also observe, that there was a recent dispatch from the Governor-General of India, by which it appeared that there were no further objections to the emigration of the Hill Coolies to our West Indian Colonies, as well as to the Mauritius. The emigration to the Mauritius had proved to be completely successful, and there was not only an ample supply of labour in that colony, but a great number of Hill Coolies were anxious to go there, whose services were not required. Of course it was a matter for the consideration of the noble Lord, as to whether he would allow the emigration of the Hill Coolies from the East Indies to the West Indies, considering the great distance of the voyage. If the noble Lord intended to allow that, he hoped that he would give the House an opportunity of expressing an opinion on the subject before he carried his intentions into effect. He hoped also that no step would be ta en in the matter unadvisedly or hastily. He trusted that the noble Lord would not act upon any scheme of the kind without giving notice.

Lord *Stanley* was fully aware that it was the duty of the Government, and more especially of himself, to act with every degree of caution on a subject of this kind. The moment the recent despatch which the right hon. Gentleman had referred to, was received from the Governor General of India, he communicated it to his col-

leagues, and he had also sent copies of it to all the leading merchants and agents connected with the West Indian Colonies. He had communicated confidentially with those parties as to the best mode that would be practicable to carry on an extensive emigration from the East Indies to the West Indies, so as to avoid abuses. He requested that they would make such propositions to him as they thought advisable, and that such answers should be submitted to the consideration of Her Majesty's Government. He had not taken any further steps on the subject: but he might add, that he believed that answers had that day been received at the Colonial Office from the West Indian proprietors; but he had not yet had an opportunity of seeing them. He was not committed on the subject beyond the subject beyond the promise to consider the scheme that body proposed; and before he should give any reply, he should refer the whole matter to the consideration of his colleagues, and they would come to a determination whether the proposed scheme should be adopted or not.

Mr. *Vernon Smith* wished to know, in case the scheme was adopted, whether it would be carried into effect by an Order in Council or whether it would be submitted to the decision of Parliament?

Lord *Stanley* said that it did not require ths sanction of Parliament, as the power existed at present under the provisions of an Act of Parliament.

Mr. *C. Buller* was satisfied that emigration could be carried on largely without expense to the country, for there were ample funds provided for the purpose by the sale of waste lands in the Colonies. He wished to state that no one should be alarmed at a proposition for an extensive emigration, as all or any expenses could readily be provided for. There was one point adverted to by his right hon. Friend with respect to which he should be prepared to act when he brought the whole question of emigration before the House, namely, the present constitution of the Land and Emigration Commissioners' Board. He did not wish that they should have the disposal of large funds, and he objected to the constitution of the Board; for it was entirely dependant on the Colonial Office, and was deprived of all power of superintending emigration. To show how little the existence of this Board was known, he would mention a circumstance that came under his own knowledge. A gentleman who had come over from Canada to organise an extensive emigration to a very fertile district on the banks of the river Ottawa, called upon him and asked his advice, and at the same time, stated that he had been in communication with the Colonial Office, but could not get any satisfactory information. He referred this gentleman to the three Commissioners of the Land and Emigration Board. Now, although this gentleman had been some months in England, and had been carrying on communications on the subject with people in this country, he was not aware of the existence of this Board. He was not prepared to say what alteration should be made in the constitution of this Board, but it appeared to him that a Board to superintend emigration should have a more independent existence than the present Board. He would suggest that there should be a Parliamentary Commission similar to the Poor Law Commission, or the Tithe Commission. He did not anticipate that this would frighten Gentlemen who had such a horror of Commissions, as there would be no increased expense attending the change.

Lord *Stanley* said, that the powers of this Commission were the same as those of the Poor Law or the Tithe Commission. They exercised their own functions, but they acted under the general controul of the Secretary of State; these Commissioners were removable at pleasure, and made their Reports from time to time.

Mr. *Hume* wished to see emigration go on, but he had no wish to see hundreds go out to perish in foreign lands. About 25,000*l.* a-year had been paid to prevent these people from starving, in consequence of employment not having been provided for them. He was of opinion that the Board ought to be part and parcel of the Colonial Government, and that it ought not to be independent, because it could not carry any proposition into effect without the sanction of the Colonial Government. He was glad that the obstructions to emigration in the Mauritius and other parts had been removed; but that was not enough, for facilities ought to be given to emigration.

Mr. *Hawes* thought that the noble Lord the Secretary for the Colonies was well disposed to arbitrate fairly between all parties. But he must say that he did not agree with his hon. Friend in the advocacy

of unlimited importation of labourers into the West Indies, for it was intended by that means to beat down wages to the lowest point, and in fact it would be used like the whip of old to extort the greatest quantity of labour possible at the least cost, and therefore it would re-establish slavery in those islands.

Mr. *Bernal* protested against the terms used by the hon. Member for Lambeth, who had talked of the whip and of slavery in a manner covertly to convey an impression that there was an intention on the part of the West India proprietors to beat down wages. Such conduct was not fair on the part of the hon. Member; and he hoped that this was the last time he should hear such insinuations in that House. But if it was not the last time, he should not be afraid to say there, or anywhere else, that so far as he was acquainted and connected with Jamaica—he could not speak so positively of other Islands—he could take upon himself to deny most imperatively and most decidedly any wish, or any scintilla of a wish—if he might be allowed to use such an expression—to beat down wages improperly, or to use any abominable or disgraceful means whatever for such a purpose.

Mr. *P. Stewart* also protested against the language used by the hon. Member for Lambeth. It was that kind of language which had heretofore created a delusion in the minds of those in power, and had led to many misapprehensions as to the real state of the West India Colonies. In those Islands at the present time the price of labour was excessively high, and the price of food very low; consequently there was a monopoly of labour. He thanked the noble Lord, the Secretary for the Colonies, for having acceded to the recommendation of the Governor of Sierra Leone for the removal of the restrictions on the importation of labourers from Africa. That importation could not revive slavery. Every colony in the West Indies was as free as any of the counties of England, and studded with magistrates, to whom any one aggrieved could apply for redress. As an intimation had been made to the proper authorities with regard to the system proposed to be adopted as to the Hill Coolies, he wished to ask the noble Lord, as it was really a question of life and death to the West Indian proprietors at the present time, if he intended in any way to increase the points of embarcation from the coast of Africa, as Sierra Leone was a most inconvenient point, and some of the best inhabitants of Africa were most anxious to go to our Colonies as free labourers? He would also ask the noble Lord what was to be done in regard to Chinese emigration; and whether it was intended to relax the restrictions with which the Chinese—who were likewise desirous of going to our Colonies as free labourers—had hither been encumbered?

Lord *Stanley* said, that he had sanctioned emigration from China to Singapore as an experiment, subject to certain restrictions; but he had not, as yet, heard the result. With respect to the subject of emigration from Africa, he was not prepared to sanction it from any part of that continent not within the dominions of Her Majesty, because it was only within Her Majesty's dominions that the system of protection which had been adopted for the benefit of the negro race, could be put into practice. The principle upon which the contracts between free labourers and the Colonists in the West Indies, had been repudiated was, that the immigrants were induced to engage themselves for a period of years without knowing the rate of wages paid in the Colony; and that on their arrival they found in general that they could have obtained double the sum in their contract if they had gone out of their own accord. With respect to the Chinese labourers, the principle was, that the colony should compensate the person importing them in case they broke their contract, and that the labourer should be compensated from the same source if the importer was unable to fulfil it.

Mr. *Barnard* urged upon the Government to appoint officers or take other means for enforcing the 12th Clause of the Colonial Passengers Act, for preventing emigrants from being taken out in ships that were not seaworthy.

Mr. *Hume* said, that no man had been more anxious than himself to promote the independence and freedom of man. He should be glad to know from the hon. Member for Lambeth, who had used such strong terms, how the free importation of labourers into the West Indies could warrant such insinuations as the hon. Member intended to convey? Had the hon. Member read the following passage from an official despatch—

"Since I have been in charge of this Go-

vernment, no instance of any proceedings bearing any resemblance to kidnapping has come to my knowledge, nor of the exercise of any improper influence for obtaining labourers?"

Mr. *B. Escott* inquired what was the whole amount of expense incurred on account of emigration, and how many persons had emigrated during the present year?

Lord *Stanley* said, the Vote included the total expense incurred by this country over and above the amount raised on the sale of lands in the Colonies. The number of emigrants last year was 50,000 or 60,000; during the previous year 120,000 persons emigrated to the various Colonies.

Vote agreed to.

On the question that 49,700*l.*, be granted for the salaries and expenses of Stipendiary Magistrates in the West India Colonies, the Cape of Good Hope, and the Mauritius,

Mr. *W. Williams* opposed the Vote. He thought the amount too large for this country to pay for the administration of justice in the Colonies.

Lord *Stanley* stated, that the expense had been gradually reduced. In 1838, it was 68,900*l.*; in 1840, 58,700*l.*; in 1842, 52,850*l.*; and now it was reduced to 49,700*l.* It would be still further reduced when practicable. He should be able to make reductions in the larger islands more safely than in the smaller.

Vote agreed to.

On the question that the sum of 24,000*l.* be granted for salaries and expenses of Commissioners for suppressing the Slave Trade,

Mr. *Hume* objected that the whole system this country had long pursued with the view of suppressing the traffic in slaves was erroneous and injurious. It had only tended to sacrifice the lives of our sailors, and to increase the loss of negro life; for the slave ships, to elude our fast-sailing cruisers, were but built smaller, and the consequence was, the wholesale murder of negroes by their being crammed and crowded into spaces too narrow for human existence. The expedition to the Niger had also evinced the utter uselessness of the policy that had so long been pursued, having quite failed, and entailed the loss of three-fourths of the lives engaged in it. The only sure means of preventing the Slave Trade was to do away with the temptation to the traffic, by diminishing the difference between the value of free and of slave labour, and this could only be done by encouraging the former.

Captain *Pechell* contended that while our officers and men were employed on such a perilous service they should be liberally rewarded. He alluded to the absence of all the Lords of the Admiralty during the discussion, and animadverted on the rumoured project for a new species of warfare with the Slave Trade—the blockade of all the Slave Coasts of Africa by steam-frigates. The 10-gun brigs he characterized as a vile class of cruisers, which had been the jest of the slave-traders, but the coffins of hundreds of gallant seamen.

Vote agreed to.

On the question, that the sum of 107,300*l.* be granted, for expense of Consular Establishments abroad,

Mr. *Williams* remarked that this important Vote was brought forward when there were scarcely thirty Members in the House. There were some items in this Vote which he should like to have explained. There were sums named for the payment of Consuls at Warsaw, and Madrid, and Paris. Now, of what use, he would ask, were Consuls at Warsaw, and Paris, and Madrid? He saw amongst the items a sum of 550*l.* for the payment of the Consul at Marseilles. The Consul at Marseilles charged British subjects a sum of money for signing their passports, a fact of which he was well aware, for he (Mr. Williams), when at Marseilles, had to pay 8*s.* for having his passport signed. At Lisbon, there was a Consul receiving 600*l.* a year, and a Vice-consul 300*l.* He should like to know what necessity there was for these two officers, and this while there was an Ambassador or Chargé d'Affaires, or whatever he was called, receiving a large amount of the public money. At Constantinople, again, there was a Consul General, and a Vice Consul, besides an Ambassador, or Secretary of Legation, and three Attachés, receiving 15,000*l.* a year. At Jerusalem, also, and other places, there were very expensive diplomatic establishments. He saw no necessity for these numerous appointments, the expenses of which were very burthensome to the public.

Sir *G. Clerk* said, that the Consular Officers in question were necessary to give

protection to our trade in foreign parts. They also acted as notaries public, and their attestation was necessary to give validity to deeds. The subject had undergone a thorough investigation some ten or twelve years ago, since which time the number of these officers had been very much reduced, and they were now as limited, both in number and expense, as was consistent with the proper discharge of the public service.

Vote agreed to.

On the question, that a sum not exceeding 12,100*l.* be granted for the support of Polish refugees and distressed Spaniards in this country, for the year ending 31st March, 1845, being proposed,

Mr. *Hume* could not allow this vote to pass without taking the opportunity it afforded of expressing his deep regret at the present degraded state of the Polish nation. The occurrences of each succeeding year brought to the mind of those who were anxious for the regeneration, grounds of alarm and apprehension, while the apathy of the country in the matter was really lamentable. The Emperor of Russia had altogether contravened the stipulations of the Treaty of Vienna, by which the independence of Poland was guaranteed, and, notwithstanding that this country was a party to that Treaty, we had crouched to Russia, and never once had the courage to demand that it should be carried out. The consequence was, that every year whole hetacombs of victims were sacrificed to the Russian policy; and last year he had seen an assurance given by Prussia to Russia to deny even a refuge in Prussia to the unfortunate Poles. He was ashamed of England holding up her head, as she did, as the defender of liberal principles throughout the world, that in the case of Poland, the Government had not in any way interfered to rescue a brave and noble people from the tyranny to which they had been so long subjected. He hoped the Government would do something to alleviate the severity of the treatment received by the Poles at the hands of the autocrat. He understood that they were to see him here this season; but he could not conceive how he could show his face with decency in this country.

Vote agreed to.

On the question, that 2,154*l.* be granted for Charities, &c., in Scotland, formerly charged on the hereditary revenue,

Mr. *Hume* objected to the practice of giving pensions to literary men. It had the tendency, he maintained, of making them dependent upon, and subservient in their writings to, those who bestowed pensions. Mr. Southey was a case in point.

Sir *R. Peel* must enter his decided protest against these doctrines of the hon. Member. He admitted, that if you took an author who had advocated popular opinions, and if, to induce him to change those opinions, you gave him a pension, that that was a corrupt exercise of power. But when they looked to the men who had of late received pensions from the State—such men as Professor Airey, and Mr. Owen, the curator of the Museum of the College of Surgeons in Lincoln's Inn, for example—when he knew that such gentlemen had, by their devotion to scientific pursuits, sacrificed many opportunities of gaining wealth—when their pensions were bestowed without the slightest inquiry into their political opinions—without imposing on them the slightest terms or condition—when he saw the Crown making such selections once a year of distinguished scientific men—ay, and women too, witness Mrs. Somerville—he could not imagine that the bestowal of the just reward of merit involved the slightest tie upon the independence of those who thus received it. He repeated, that he knew not what might be the political feelings of the distinguished individuals whom he had named. In every case, the bestowal of the pension had been accompanied by a distinct statement that it was not a retainer—that it had nothing to do with the recipient's political opinions. He certainly thought that there ought to be some provision which would enable individuals to devote their lives to science in a state of things in which proficiency in science was unaccompanied by pecuniary reward. In the case of Mr. Owen, that gentleman would not have been able to continue certain works in which he was now engaged, had it not been for the pension granted to him. There was another case of late occurrence, in which pensions of 10*l.* a-year had been granted to two aged female relatives of the poet Burns. Now, did anybody object to that? Did anybody think that evil could possibly arise from rescuing from poverty and misery two persons connected with a great poet, of whom his country was so justly proud? The very last case in which a small pen-

sion was bestowed, was in that of Miss Heriott, a distressed descendant of George Heriott, who founded the great charity bearing his name in Edinburgh, and who, by that act of munificence, had left his family in distress. Was it not right that the Crown should in such cases, have the power of conferring small pensions? It would be a scandal to our name and nation to have no such provision to be bestowed in cases where only, without it, a public subscription could raise families from want, and which could not be set on foot in so many cases without wounding nice feelings, and giving rise to honourable scruples. He did think, in an ancient monarchy like this, that in such cases the Crown should have the power of stepping in and rescuing merit from submitting to what it felt to be a great degradation.

Mr. *Collett* begged to state, to show the influence of these pensions, that Mr. Southey's opinions had undergone a change after the bestowal of his pension.

Sir *R. Peel* replied, that it was well known, that in consequence of that great man's application to scientific and literary pursuits, his health had failed him; but it was utterly ridiculous to suppose that for a paltry pension, and the commutation of an allowance of sack, such a man as Mr. Southey would have bartered his opinions. Did anybody think that Mr. Wordsworth would sell his political freedom of thought for a price? Let hon. Gentlemen rest assured that the feelings of literary men put them far above such actions. They might be gratified by the distinction bestowed, but to suppose that men like Wordsworth and Southey would have been influenced by a paltry 100*l.* a-year, and a butt of sherry, would, he sincerely believed, be doing a great injustice to both their names.

Mr. *Wakley* could not agree that literary men should be excluded from pensions. So far he differed from his hon. Friend, the Member for Montrose. Such a distinction would be unwise and invidious. But he did object, in one of the cases cited, to the pension bestowed—that given to Mr. Owen—and he believed that that was the general feeling in the profession which he had the honour of belonging to. The College of Surgeons had the power of providing for Mr. Owen on a scale commensurate to his merits.

Sir *R. Peel*: The pension was but 200*l.* a-year. Mr. Owen had devoted to pursuits connected with comparative anatomy talents, which, in another sphere of life, might have been the source of great emolument to him. He had referred to several eminent men, the question of who was at present the most eminent man, connected with anatomical science; and the general voice of Europe had assured him that, since the death of Cuvier, Mr. Owen was the most distinguished anatomical student; and he was told that if the Crown could bestow upon him a small pension, it would have a most advantageous effect, as enabling him to devote his leisure to the preparation of two works, for the completion of which he would otherwise have no time.

Mr. *Wakley* thought, that the College of Surgeons should provide for its own officers. It had ample means at its disposal, but it lavished them upon its own members, and neglected the most meritorious of its functionaries.

Sir *R. Peel* thought, that the College of Surgeons and the Crown had, in this case, acted with perfect propriety. The former had attached a certain salary to a certain office, and it could not increase or diminish the amount, according to the degree of merit of the person filling it.

Vote agreed to.

On the question that the sum of 16,000*l.* be granted for the expense incurred in Canada for Militia and Volunteers,

Lord *Stanley* said, this Vote was for defraying the expenses of the three troops of cavalry, which cost less than our own troops, and could serve in unhealthy situations. They watched the frontier, and defrayed the expenses of their own horses and accoutrements.

Mr. *Hume* did not see the necessity of watching the United States when we were at peace with it, and would divide the Committee against the grant.

The Committee divided — Ayes 73; Noes 7: Majority 66.

List of the AYES.

Aldham, W.	Bowles, A.
Allix, J. P.	Broadley, H.
Antrobus, E.	Bruges, W. H. L.
Arkwright, G.	Busfeild, W.
Astell, W.	Butler, P. S.
Baird, W.	Clerk, Sir G.
Baring, rt. hon. F. T.	Corbally, M. E.
Beckett, W.	Courtenay, Lord
Boldero, H. G.	Cripps, W.
Borthwick, P.	Damer, hon. Col.
Botfield, B.	Dickinson, F. H.

Douglas, Sir C. E.	Mainwaring, T.
Drummond, H. H.	Martin, C. W.
Eliot, Lord	Masterman, J.
Ferguson, Sir R. A.	Meynell, Capt.
Flower, Sir J.	Mundy, E. W.
Forbes, W.	Newport, Visct.
Forman, T. S.	Nicholl, rt. hon. J.
French, F.	Peel, rt. hon. Sir R.
Gardner, J. D.	Peel, J.
Gladstone, rt.hn.W.E.	Pusey, P.
Godson, R.	Rashleigh, W.
Gordon, hon. Capt.	Redington, T. N.
Goulburn, rt. hon. H.	Sibthorp, Col.
Graham, rt. hon. Sir J.	Somerset, Lord G.
Grogan, E.	Sotheron, T. H. S.
Hamilton, G. A.	Stanley, Lord
Hamilton, W. J.	Sutton, hon. H. M.
Hawes, B.	Taylor, E.
Heneage, G. H. W.	Thesiger, Sir F.
Henley, J. W.	Thompson, Ald.
Herbert, hon. S.	Trench, Sir F. W.
Hope, G. W.	Trotter, J.
Hughes, W. B.	Wodehouse, E.
Jervis, J.	Yorke, H. R.
Knatchbull, hon. Sir E.	
Lincoln, Earl of	TELLERS.
M'Geachy, F. A.	Young, J.
M'Neill, D.	Corry,

List of the NOES.

Collett, J.	Plumridge, Capt.
Forster, M.	Wakley, T.
Granger, T. C.	TELLERS.
Morris, D.	Hume, J.
Napier, Sir C.	Williams, T.

Vote agreed to.

House resumed, Committee to sit again.

THE POOR LAW—(GILBERT UNIONS).] Sir *J. Graham* moved for a Select Committee to inquire into the Administration of the Laws for the Relief of the Poor in Unions, formed under the Act 23 George III. c. 83, (Gilbert's Act), and to report to the House their opinion, whether it is expedient that the said Unions should be dissolved.

Captain *Pechell* expressed his surprise that the right hon. Baronet should have moved for the appointment of such a Committee at so late an hour, (a quarter to 12), and when those Members who took an interest in the subject were not aware that it would be brought on. He wished to say a word as to the terms in which the Motion was couched. By the use of the word "dissolved," it appeared that if these different incorporations under the Gilbert Act were condemned by the right hon. Baronet: he did not see why the right hon. Baronet should at all assume that the Gilbert Unions were to be "dissolved." He supposed that it was attributable to that influence which the Poor Law Commissioners exercised so constantly over the noble Lord who preceded the right hon. Baronet in his office and which had never left the right hon. Baronet himself quiet in his office, till it had caused him now to move for the appointment of this Committee. He (Captain Pechell) had every desire that publicity should be given to the subject and state of these Unions; he wished the case to be most closely gone into, and that all the officers of the Gilbert Unions should be examined as to their condition. On the other hand, he did not think it was right, that, at the time when they were about to be called on to go into Committee on the Poor Law Bill, which would probably last until nearly the end of the Session, they should be called upon to take evidence as to the state of these Unions. The right hon. Baronet told them at first that this Committee should be had before Easter, and that would have been in a very good time; but at the present period of the Session he did not think that any great advantage would be derived from the Committee, as it would be impossible to legislate either one way or other on their Report. The right hon. Baronet, however, would be very much mistaken if he inferred from this that he (Captain Pechell) wished to draw back or not go into the case before a Committee. His objection was, that the Committee would be of no use for any purpose of legislation this Session. The words of the Motion, as he had said, looked very much as if the right hon. Baronet did not mean to deal fairly with the Gilbert incorporations. It would remain to be seen, however, how the hon. Baronet would constitute the Committee. He had every reason to believe that the right hon. Baronet himself meant to act fairly with regard to the nomination of the Committee; but really the Poor Law Commissioners seemed to be, as it were, the masters of the Government. The right hon. Baronet and the right hon. Gentleman, the First Lord of the Treasury, had always spoken by way of mitigating the horrors of the Poor Law Bill, when in came the Poor Law Commissioners to influence the Government, and tell them they were about to retract. It seemed as if the Poor Law Commissioners had urged the righ hon. Baronet on to move for this

Committee. When the last Poor Law Bill was introduced the language of the right hon. Baronet was to the effect, that he was not going to legislate on the Gilbert Unions; but the wording of the notice to-night, looked very like a determination to abolish them. Inded, unless the supporters of those Unions had a fair opportunity of submitting their case to the Committee, he feared that their doom was sealed. He relied, however, on the justice of the right hon. Baronet, as to the formation of the Committee. As he (Captain Pechell) was for inquiry, it was of course not for him personally to oppose the Motion, and he hoped the right hon. Baronet would take the observations he had made in the good spirit in which they were intended.

Sir *J. Graham* could assure the hon. and gallant Gentleman that he received his observations in the best possible spirit. He had supposed that the appointment of the Committee, accompanied by the withdrawal from the Poor Law Bill of the subject of these Unions, had met with the hon. Gentleman's cordial support. He thought the hon. Gentleman wished for an inquiry, in which an opportunity would be afforded to the supporters of these Unions, to show how much better managed they were than those under the Poor Law Act. The necessity of such inquiry was so pressed on him (Sir J. Graham) from time to time that he at last yielded to the solicitation. Tempted by the hon. and gallant Member he had given way, and afforded him and his friends the opportunity they had so long wished for. As the hon. and gallant Gentleman objected to the word "dissolved," he would propose to alter it, and substitute the word "maintained."

Mr. *Borthwick* did not see much difference between the two as regarded the effect of the Motion: in fact, they amounted to the same thing. Had the right hon. Baronet worded the Motion so as to make it, "to inquire into the operation" of the Gilbert Unions it would have been better.

Sir *J. Graham* reminded the hon. Member that the first part of the Motion included the words "administration of the law," as regarded them.

Mr. *Borthwick* felt sure the Committee would be fairly constituted and possess the usual powers; he therefore did not object to the Motion. It was a choice between this Committee and the abolition of the Gilbert Unions, and the Committee of course was the better alternative. If, however, the whole Poor Law administration were put on the footing of the Gilbert Unions it would be a most valuable improvement in this department of the law. The time, however, for full discussion was at hand, and he felt sure that the Government would not baulk inquiry. He thought they had arrived at that period of the Session when so important a measure ought no longer to be delayed; and he did hope that the subject of the English Poor Law would be the first to occupy the attention of the House after the recess.

Colonel *Sibthorp* put it to his right hon. Friend, whether the House would be able to proceed decisively with respect to the subject of the Poor Law, till they heard the result of the inquiry of the Committee now moved for. He was himself decidedly for maintaining the Gilbert Unions.

Mr. *Henley* thought it pretty clear what the object of those who brought forward the present Motion was. An inquiry as to the "administration" of the law might easily be confined to the mere acts of the officials, instead of being extended to the effects and operation of the law upon those principally affected by it —the poor. Every one knew the "cases" of the Commissioners were well "got up," and skilfully conducted; but, it was less to particular instances of administration than to the scope and character of the systems, and to the position of the poor and their rights to relief, that he considered an investigation of this nature should be directed. As it was, however, he doubted if the result of the inquiry would be at all satisfactory.

Sir *J. Graham* had already altered the form of his Motion by substituting the word "maintain" for "dissolve," in reference to the Gilbert Unions; and, as the hon. Member for Oxfordshire appeared to consider the terms "administration of the law" not sufficiently wide to let in a full inquiry, he would not object to the introduction of the word "and operation" of the law. He declared that he desired full and fair inquiry. Last year he had been charged with introducing clauses, without inquiry, affecting Gilbert Unions. This year he proposed inquiry, which he hoped would be satisfactory to those who anticipated advantage from it. For himself he was willing to abide by the result. And he

should now lay on the Table the names of those he should propose, on Thursday, for his Committee.

Mr. *R. Yorke* thought this was mere trifling with an important subject; more important as it affected a large portion of society—the poor, who were absolutely unrepresented and unprotected. The practical question appeared to be whether the result of the Committee could be attained sufficiently soon to be applied to the existing measure of the Poor Law Act Amendment. [Sir *J. Graham*: The subjects are quite distinct]. That, perhaps, was a matter of opinion, and he retained his own, which is, that the two subjects are intimately, inseparably, connected; for whether the Report of the Committee be favourable or adverse to the Gilbert Unions, it must necessarily affect the measure at present before Parliament for further Poor Law Amendment, unless, indeed, the right hon. Baronet intended merely to make the inquiry one of form, to satisfy the public with a semblance of investigation and the show of impartiality, while the dissolution of those Unions had been predetermined.

Mr. *F. French* said, much would depend, no doubt, on the Members who constituted the Committee. But he should like to know whether, if the Report were favourable to the Gilbert Unions any further attacks upon them would be relinquished?

Sir *J. Graham* declined to commit himself as to what course he should adopt upon the Report, which, however, he should, in any event, treat with proper respect. He would say further, that he intended the inquiry to be no obstacle to the progress of the Bill before Parliament, considering, as he did, the two subjects wholly independent.

Captain *Pechell* considered it somewhat remarkable that the right hon. Baronet, who would have the power perhaps of appointing a Committee favourable to his Poor Law predilections, would not nevertheless pledge himself to act upon its Report. The Commissioners represented the Gilbert Unions as nuisances—not so much to the public as to Somerset-house; being geographically awkward for the purposes of Poor Law Union divisions: but it was too bad, that for this reason—merely because the Gilbert Unions were inconvenient to the Commissioners, although they might satisfy the landlords, the tenants, and the poor—they were to be set aside. Probably labourers, specimens of the New Poor Law and of the Gilbert Union management, would be produced and weighed for the sake of ascertaining the relative results of the diet under the respective systems. He (Captain Pechell) was not at all unfavourable to the inquiry, and certainly should not resist it. He hoped, however, that the right hon. Gentleman opposite would allow him to name the seven gentlemen as well as the Chairman of the Committee, and he should entertain no fear as to the result. If, on the other hand, the right hon. Gentleman intended to name the seven gentlemen and an Under-Secretary of State as Chairman, he gave up the case.

The original Motion was withdrawn, and the following in its stead agreed to:—

"That a Select Committee be *appointed*, to inquire into the administration and operation of the Law for the relief of the Poor in Unions formed under the Act 22 Geo. 3, c. 83. (Gilbert's Act), and to report to the House their opinion, whether it is expedient that the said Unions should be maintained."

House adjourned at half-past twelve o'clock till Thursday next.

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VOLUME LXXIV.

BEING THE THIRD VOLUME OF SESSION 1844.

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☞ *The * indicates that no Debate took place upon that Reading.*

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